

The Orange River Property 2020 Overlay Amendment

September 29, 2000

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ZONING COUNTER

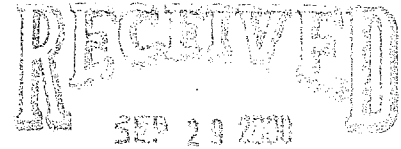
Located in:
Lee County, Florida

Prepared for:
State Road 80, LLC
3451 Bonita Bay Boulevard, Suite 202
Bonita Springs, FL 34134-4395

Prepared by:
Mitchel A. Hutchcraft, ASLA, AICP
Vanasse & Daylor, LLP
12730 New Brittany Boulevard,
Suite 600
Fort Myers, Florida 33907

CPA 2000-00004 30287

September 29, 2000



Mr. Matt Noble, Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

PERMIT COUNTER

**Re: The Orange River Property
2020 Overlay Amendment**

Dear Matt:

On behalf of Bonita Bay Properties, who will be developing the above-mentioned property, I am pleased to submit this request to amend the 2020 Overlay Allocations Table. As outlined by Lee County, this amendment is only to the Text of the Lee Plan, and does not require the amendment to any Lee Plan Maps.

Attached in support of this request is detailed documentation outlining the specific request, planning justifications, mapping and Lee Plan consistency narrative. We believe that this application provides sufficient data and analysis to support our request to amend the Residential Allocations to the Suburban Land Use Category of Planning Community 4 – Fort Myers Shores.

As you begin to evaluate this request, please feel free to contact me if you have any questions or need any additional information before you prepare your Recommendation. I look forward to working with you on this amendment, and trust that by working together, we can creatively resolve this under allocation of acreage in this Planning Community.

In advance, thank you for your attention to this matter.

Sincerely,
Vanasse & Daylor, LLP



Mitchel A. Hutchcraft, ASLA, AICP
Executive Vice President

Cc: Kitty Green, Bonita Bay Properties
Margaret Emblidge, Bonita Bay Properties
Neale Montgomery, Pavese Law Firm

September 29, 2000

Mr. Matt Noble, Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

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PERMIT COUNTER

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: 9-29-00

REC'D BY: BMO

APPLICATION FEE: 1260.00

TIDEMARK NO: CPA 2000-00004

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 179

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

RECEIVED
SEP 29 2000

I. APPLICANT/AGENT/OWNER INFORMATION

PERMIT COUNTER

APPLICANT STATE ROAD 80 LLC
ADDRESS 3451 BONITA BAY BLVD., SUITE 202
CITY BONITA SPRINGS FL STATE 34134-4995 ZIP
(941) 495-1000 TELEPHONE NUMBER (941) 498-1193 FAX NUMBER

AGENT* SEE ATTACHED LIST

ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE NUMBER _____ FAX NUMBER _____

OWNER(s) OF RECORD STATE ROAD 80 LLC
ADDRESS SAME AS ABOVE
CITY _____ STATE _____ ZIP _____
TELEPHONE NUMBER _____ FAX NUMBER _____

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

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

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

☒ Text Amendment

☐ Future Land Use Map Series Amendment
(Maps 1 thru 19)
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

AMEND THE RESIDENTIAL ACRES
ALLOCATION TABLE (TABLE 1 b.) TO
PROVIDE SUFFICIENT ALLOCATIONS TO
ACCOMMODATE THE PROPOSED RESIDENTIAL
COMPONENT OF THE BAYVIEW MPD

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

A. Property Location:

1. Site Address: 11501 PALM BEACH BLVD.
2. STRAP(s): SEE ATTACHED

B. Property Information

Total Acreage of Property: 1,400 ACRES +/-

Total Acreage included in Request: 1,400 ACRES +/-

Area of each Existing Future Land Use Category:

Total Uplands: 1,150 ACRES +/-

Total Wetlands: 250 ACRES +/-

Current Zoning: AG-2, CG, CC, CI-A, PUD

Current Future Land Use Designation: SUBURBAN, WETLANDS

Existing Land Use: CATTLE, RESIDENTIAL

- C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

- D. Proposed change for the Subject Property:

2020 OVERLAY - TABLE 1 (b.)

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 3 DU/AC - UP TO 3,300 DU ±

Commercial intensity VARIES 250,000 - 500,000 SF

Industrial intensity NA

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density N/A

Commercial intensity N/A

Industrial intensity N/A

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;

- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
 - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
- Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
 - a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement;
 - c. Solid Waste;
 - d. Mass Transit; and
 - e. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

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

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas

indicated (as identified by FEMA).

4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,

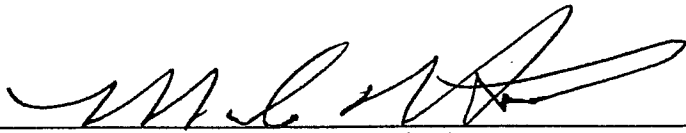
- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
- a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

Map Amendment Flat Fee	\$500.00 each
Map Amendment > 20 Acres	\$500.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Text Amendment Flat Fee	\$1,250.00 each

AFFIDAVIT

I, _____, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of owner or owner-authorized agent

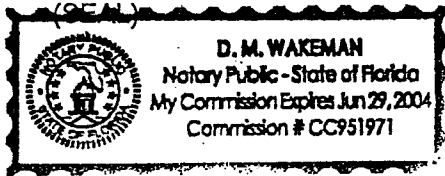
9.29.2000

Date

Mitchel A. Hutchcraft
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 29th day of Sept 18 2000
by Mitchel A. Hutchcraft, who is personally known to me ~~or who has produced~~
as identification.



[Signature]
Signature of notary public

D. M. WAKEMAN
Printed name of notary public

2020 Overlay Text Amendment Amendment Support Documentation

For The Orange River property

Increasing the Available Residential Allocations Sufficient to Accommodate the Proposed Development

IV. AMENDMENT SUPPORT DOCUMENTATION:

A. General Information and Maps:

A.1. Provide any proposed text changes:

The applicant is requesting an amendment to the 2020 Overlay to increase the number of available residential acres, as reflected on Table 1(b.). A copy of the proposed Table is presented below.

Revised Table 1 (b.): 2020 Residential Allocations – Planning Community 4

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Intensive Development	89	23	66
Central Urban	208	198	10
Urban Community	632	389	243
Suburban	1,803.3	1,220	583.3
General Commercial Interchange	6	7	-1
Rural	454	282	172
Wetlands	59	81	-22
Total Residential	2,831¹	2,200¹	1,051.3¹

See Section G of the Amendment Support Documentation for a detailed analysis of the proposed revisions to Table 1(b.)

A.2. Future Land Use Map:

A copy of the Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding future land use map designations, and natural resources is attached as Exhibit A.2.

A.3. Existing Land Use Map:

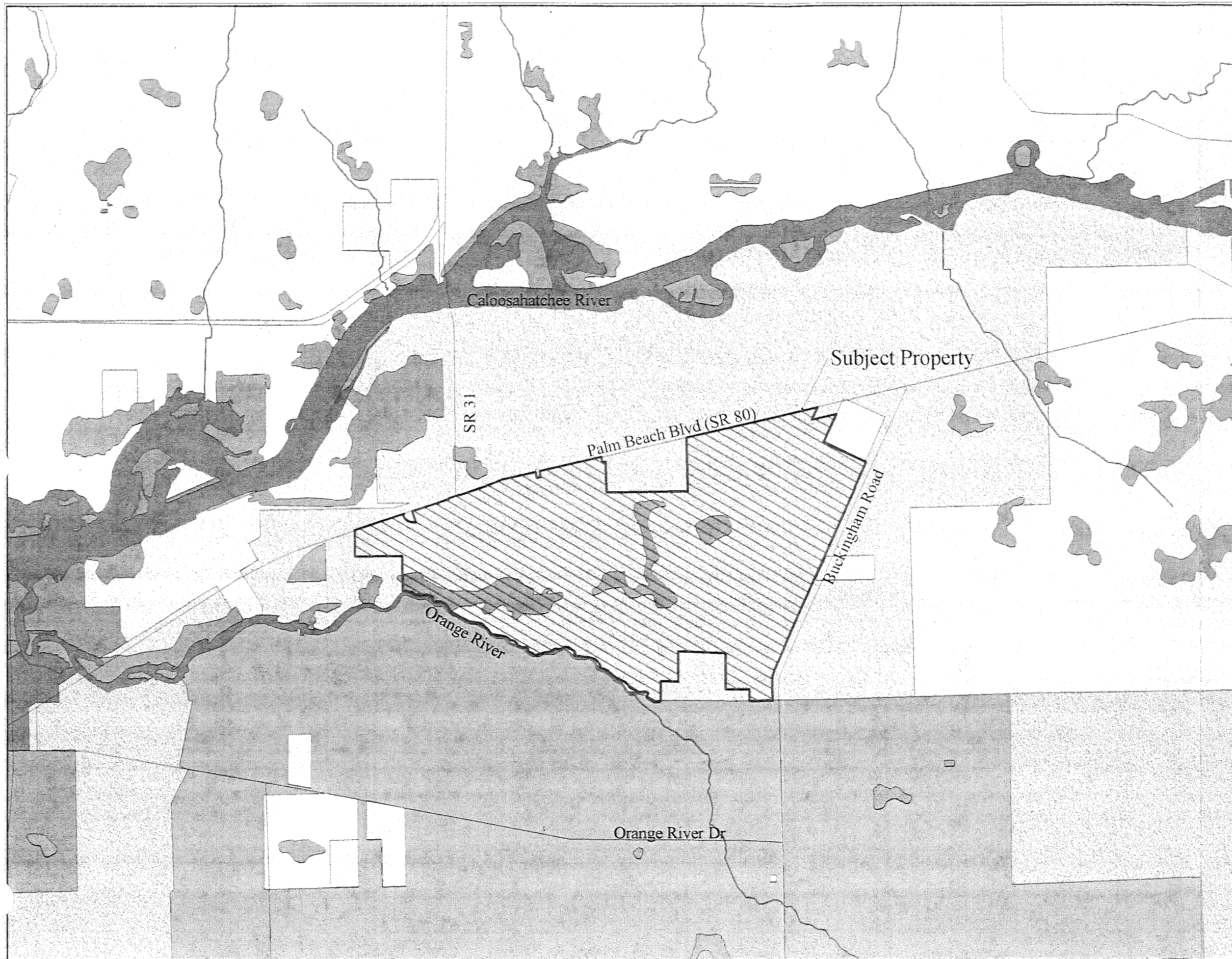
A map depicting the existing land uses on a recent aerial is attached as Exhibit A.3. The proposed 2020 Overlay amendment will not change the permitted land uses or maximum densities or intensities. The Amendment is being requested to accommodate a proposed Mixed Use Planned Development. The consistency of the proposed

Planned Development with the adjacent uses are discussed in detail in the Planned Development Application, which has been submitted concurrent with this application.

Consistency:

The existing land use of the subject property is predominantly vacant, except for a few single-family homes. The subject property is currently approved for various commercial, agricultural and residential uses. The proposed development program will result in a mixture of residential types, significant recreational areas, open space and some neighborhood commercial uses. The more intensive uses (including commercial and maintenance areas) have been located along SR 80, whereas lower density residential uses and recreational areas have been planned for the remaining perimeter to ensure compatibility with the adjacent residential uses. All uses, densities and intensities are consistent with the existing comprehensive plan and surrounding uses.

LEE COUNTY FUTURE LAND USE MAP



FLUM LEGEND

LeeFlum0900.shp

-  AIRPORT
-  AIRPORT COMMERCIAL
-  UPLAND CONSERVATION LANDS
-  WETLAND CONSERVATION LANDS
-  CENTRAL URBAN
-  DRGR
-  INDUSTRIAL GENERAL COMMERCIAL
-  INDUSTRIAL GENERAL
-  INDUSTRIAL COMMERCIAL
-  INTERCHANGE MIXED USE
-  INDUSTRIAL
-  INDUSTRIAL DEVELOPMENT
-  INTENSIVE DEVELOPMENT
-  NEW COMMUNITY
-  OUTER ISLANDS
-  OPEN LANDS
-  OUTLYING SUBURBAN
-  PUBLIC FACILITIES
-  WETLANDS
-  RURAL
-  RURAL COMMUNITY PRESERVE
-  SUBURBAN
-  URBAN COMMUNITY
-  UNIVERSITY COMMUNITY
-  UNIVERSITY VILLAGE

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PERMIT CENTER

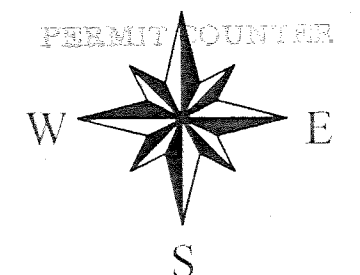


EXHIBIT A.2

A.4. Existing Zoning:

A map depicting the existing zoning of the subject property and surrounding properties is attached as Exhibit A.3. A summary of the adjacent zoning is presented below:

North:	SR 82 and Riverdale High School, CC, CG, CFPD
South:	Orange River, AG-2 (Beyond the Orange River are areas of typically low density residential)
East:	Buckingham Road, AG-2 (there are currently two zoning applications under review by Lee County on the east side of Buckingham Road, which are requesting RPD)
West:	AG-2
Subject Property:	Currently AG-2, CC, CG, C1-A, and PUD. The applicant has simultaneously submitted an application to rezone the entire property to MPD.

A.5. Legal Description:

A copy of the legal description for the subject property is attached as Exhibit A.5.

A.6. Deeds:

Not Applicable. All necessary ownership information has been submitted as part of the Planned Development Application.

A.7. Aerial Map

An aerial map is integrated into Exhibit A.3, which also depicts the current zoning and existing land uses.

A.8. Authorization:

The applicant is the property owner, and therefore no additional authorization letter is required.

B. Public Facilities Impacts:

B.1. Traffic Circulation Analysis:

A detailed traffic impact statement has been submitted as part of the Orange River property Mixed Use Planned Development application. The requested amendment will not result in a change in the permitted use, density or intensity. The amendment will only impact the timing of the development. Prior to the "consumption" of any of the amended 2020 Overlay Allocations, a project will have to demonstrate that the project is consistent with the Lee Plan, as well as demonstrating Traffic concurrency. This analysis will be demonstrated at both the Zoning and Development Order Review phases.



September 18, 2000

DESCRIPTION

**PARCEL IN
SECTIONS 25 AND 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
AND
SECTIONS 28, 29, 30, 31, 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY FLORIDA**

A tract or parcel of land lying in Sections 25 and 36, Township 43 South, Range 25 East, and Sections 28, 29, 30, 31, 32 and 33, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

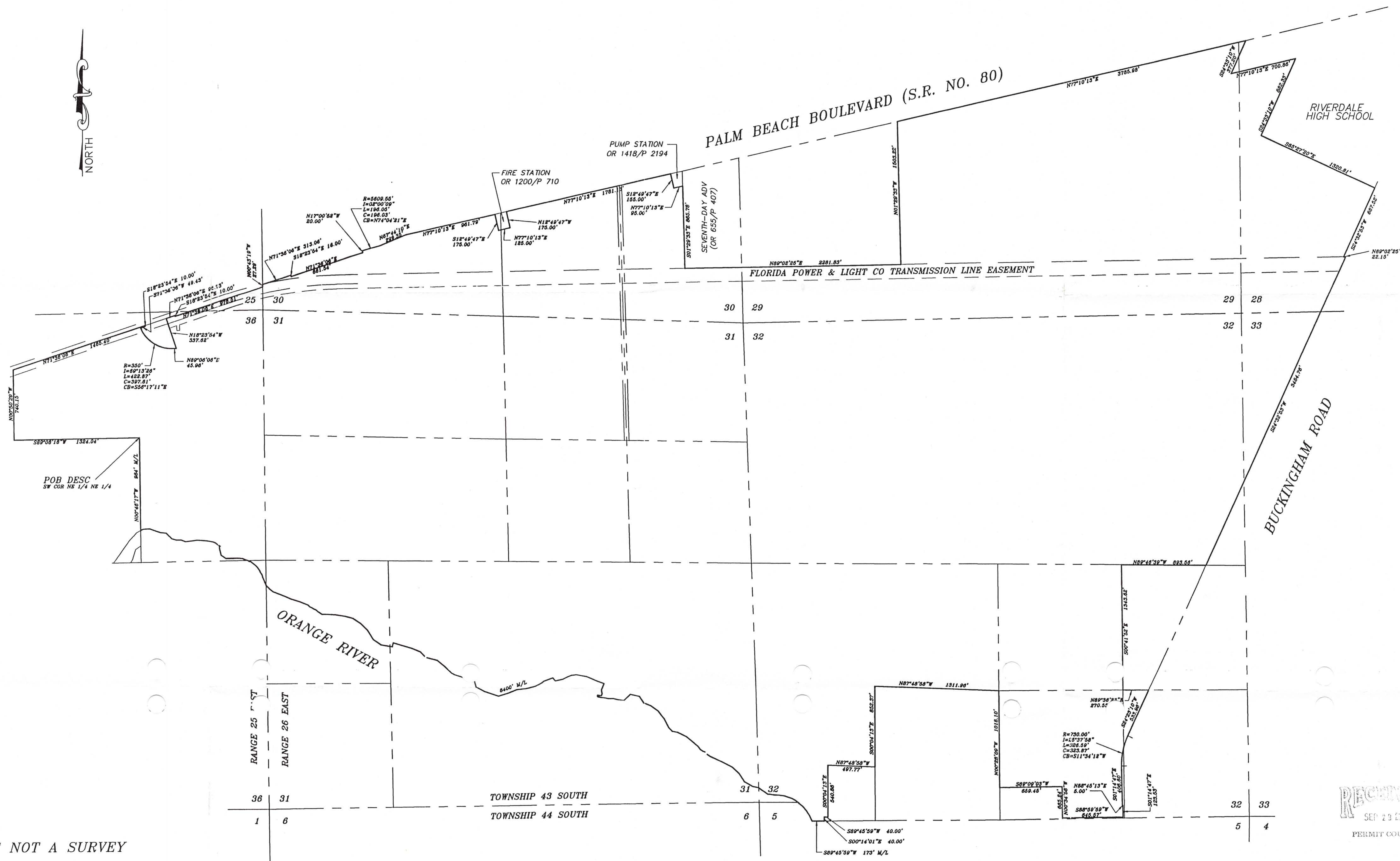
Beginning at the southwest corner of the Northeast Quarter (NE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, Township 43 South, Range 25 East run S 89° 08' 18" W along the south line of the Northwest Quarter (NW-1/4) of the Northeast Quarter (NE-1/4) of said Section 36 for 1324.04 feet; thence run N 00° 50' 29" W along the west line of said fraction for 740.15 feet to an intersection with the south line of Palm Beach Boulevard (State Road No. 80); thence run N 71° 36' 06" E along said south line for 1465.40 feet; thence run S 18° 23' 54" E for 10.00 feet; thence run S 71° 36' 06" W for 49.43 feet; thence run southerly, southeasterly and easterly along the arc of a curve to the left of radius 350.00 feet (chord bearing S 56° 17' 11" E) (chord 397.61 feet) (delta 69° 13' 26") for 422.87 feet to a point of tangency; thence run N 89° 06' 06" E for 45.96 feet; thence run N 18° 23' 54" W for 337.62 feet to an intersection with said south line of Palm Beach Boulevard; thence run N 71° 36' 06" E along said line for 95.73 feet; thence run S 18° 23' 54" E for 10.00 feet; thence run N 71° 36' 06" E along said south line for 978.51 feet to an intersection with the east line of said Section 25, Township 43 South, Range 25 East; thence run N 00° 43' 19" W along said east line for 27.29 feet; thence run N 71° 36' 06" E along the south line of Palm Beach Boulevard for 313.06 feet; thence run S 18° 23' 54" E for 16.00 feet; thence run N 71° 36' 06" E along said south line for 661.54 feet; thence run N 17° 00' 52" W for 20.00 feet; thence run easterly along said south line along the arc of a curve to the right of radius of 5609.55 feet (chord bearing N 74° 04' 21" E) (chord 196.03 feet) (delta 02° 00' 09") for 196.05 feet; thence run N 67° 44' 10" E along said south line for 299.35 feet; thence run N 77° 10' 13" E along said south line for 961.79 feet to an intersection with the westerly line of lands described in Official Record Book 1200 beginning at Page 710 of the Public Records of Lee County, Florida; thence run S 12° 49' 47" E along said west line for 175.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 125.00 feet; thence run N 12° 49' 47" W along the east line of said parcel for 175.00 feet to an intersection with the south line of said Palm Beach Boulevard; thence run N 77° 10' 13" E along said south line for 1781.13 feet to an intersection with the west line of lands described in Official Record Book 1418 beginning at Page 2194 of said public records; thence run S 12° 49' 47" E along said west line for 155.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 95.00 feet to an

intersection with the west line of lands described in Official Record Book 655 beginning at Page 407 of said public records; thence run S 01° 29' 33" E along said west line for 865.78 feet to an intersection with the north line of a Florida Power & Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said north line for 2281.83 feet; thence run N 01° 29' 33" W for 1503.22 feet to an intersection with the south line of said Palm Beach Boulevard; thence run N 77° 10' 13" E along said south line for 3785.98 feet; thence run S 24° 33' 10" W for 377.20 feet; thence run N 77° 10' 13" E for 700.86 feet; thence run S 24° 33' 10" W for 882.33 feet; thence run S 65° 27' 20" E for 1320.81 feet to an intersection with the northwesterly line of Buckingham Road; thence run S 24° 32' 53" W along said northwesterly line for 687.52 feet; thence run N 89° 02' 25" E for 22.15 feet; thence run S 24° 32' 53" W along the northwesterly line of Buckingham Road for 3484.76 feet; thence run N 89° 46' 39" W for 893.56 feet; thence run S 00° 41' 52" E for 1343.62 feet; thence run N 89° 36' 23" E for 270.55 feet to an intersection with said northwesterly line of Buckingham Road; thence run S 24° 23' 10" W along said northwesterly line for 533.98 feet to a point of curvature; thence run southwesterly and southerly along the arc of a curve to the left of radius 730.00 feet (chord bearing S 11° 34' 12" W) (chord 323.87 feet) (delta 25° 37' 58") for 326.59 feet to a point of tangency; thence run S 01° 14' 47" E along the westerly line of Buckingham Road for 408.60 feet; thence run N 88° 45' 13" E for 5.00 feet; thence run S 01° 14' 47" E along said westerly line of Buckingham Road for 123.53 feet; thence run S 88° 59' 59" W for 645.57 feet; thence run N 00° 34' 58" W for 665.24 feet; thence run S 89° 09' 03" W for 659.45 feet; thence run N 00° 28' 09" W for 1018.10 feet; thence run N 87° 48' 58" W for 1311.96 feet; thence run S 00° 04' 13" E for 852.37 feet; thence run N 87° 48' 58" W for 497.77 feet; thence run S 00° 04' 13" E for 540.88 feet; thence run S 89° 45' 59" W for 40.00 feet; thence run S 00° 14' 01" E for 40.00 feet to an intersection with the south line of said Section 32, Township 43 South, Range 26 East; thence run S 89° 45' 59" W along said south line for 173 feet more or less to the waters of the Orange River; thence run northwesterly along said waters for 8400 feet more or less to an intersection with the west line of the Southeast Quarter (SE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, Township 43 South, Range 25 East; thence run N 00° 46' 17" W along said west line for 984 feet more or less to the Point of Beginning.

Containing 1,453.5 acres, more or less.

Bearings hereinabove mentioned are plane coordinate for the Florida West Zone, NAD 1983 (1990 Adjustment).


W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448



THIS IS NOT A SURVEY

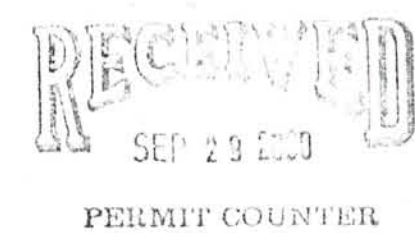
W. Britt Pomeroy, Jr.
W. BRITT POMEROY, JR. (FOR THE FIRM - LB#642)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4448

DATE SIGNED: 9-19-00

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

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN
SECTIONS 25 & 36, T. 43 S., R. 25 E.
SECTIONS 28, 29, 30, 31, 32 & 33, T. 43 S., R. 26 E.
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.				
ENGINEERS, SURVEYORS AND ECOLOGISTS				
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0046				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
Sept., 2000	991536	25-43-25	1" = 500'	1 OF 1



J:\991536\Sketch_desc_zoning.dwg Mon Sep 18 13:11:37 2000 wdp

B.2 Project Infrastructure:

a. Sanitary Sewer Analysis:

The property is located within the Lee County Utilities franchise area. There is a large pump station with 50 HP pumps located on the north side of the property across from Parker Avenue. A 24" force main connect the lift station to a series of gravity sewer and pump stations leading to the city of Fort Myers Central Advanced Wastewater Treatment Plant on Raleigh Street (Central AWWTP). The plan is permitted for 11 MGD, with an annual average daily flow for the Central AWWTP between 7 and 8 MGD.

Based on preliminary due diligence contacts with representatives of Lee County Utilities, it was indicated that there would be adequate capacity for a project of 3,000 units. A letter of willingness to provide service has been requested from Lee County Utilities.

Because the amendment does not result in an increase in land use density or intensity, and because there is adequate infrastructure currently in place to accommodate the proposed Orange River property MPD no improvements will be necessary to accommodate this amendment. Similarly, this amendment will not require any revisions to the sanitary sewer sub-element or CIE.

b. Potable Water Analysis:

The property is located within the Lee County Utilities franchise area and is served by the Olga Water Plant. There is a 24" water main running all along the north side of the property on the north side of SR 80. The Olga Water Plant treats water taken from the Caloosahatchee River and pumps it into this line. The Olga Water Plant's current capacity is 5 MGD, and is anticipated to increase to 10 MGD. Even without the expansion in capacity, the subject property is adequately served. Recent fire flow tests from hydrants along the 24" line in front of the property indicate flows between 3900 gpm and 4900 gpm at 20 psi.

The result is that no improvements in the system will be required, and no amendments to the potable water sub-element or CIE will be required.

c. Drainage/Surface Water Management Analysis:

The proposed water management system for the Orange River property will consist of multiple sub-basins with up to eight (8) discharge points. The basins are designed to follow the existing condition on the property wherever practical. Lakes, wetlands, ditches and culverts will be utilized to convey and store the runoff on the subject property until it is discharged from the site. The majority of the existing wetlands and lakes will be used in the water management system.

Most of the property discharges into the Orange River, as such it is allowed a peak discharge rate of 55 csm. To comply with water quality requirements, all site runoff will be routed through the lakes within the water management system before entering any preserved wetlands. More intensive uses, such as commercial, would require additional water management systems, including but not limited to dry pretreatment.

The proposed project will require approval from SFWMD and also compliance with Lee County's Level of Service Policy 70.1.3 for storm water management facilities. This amendment will not require any revisions to the surface water management sub-element or to the CIE.

d. Parks/Recreation/Open Space Analysis:

The property is located in Park Impact Fee District 3, and according to the analysis prepared by Lee County for the year 1999-2000, there are 126 acres of community parks in this district, with an additional 21 acres of parks programmed for the year 2000, bringing the total to 147 acres. Further, the County is planning on future expansions of Veterans Park, which would bring the community park acreage to 201.

The current level of service for Community Parks is .8 acres per 1,000 persons, with a "desirable" standard of 1.75 acres per 1,000 persons. The regulatory Level of Service Standard will be met through the year 2000. As identified by the County, a future community park will be required in order to achieve the "desired" LOS.

The proposed amendment will not increase the permitted density over what is currently allowed. Further, the proposed project's internal recreational amenities will more than off-set any recreational demand created by this project. For this reason, the project will comply with the required "Desired" Level of Service Standard. Therefore, no amendments to the Parks and Open Space or CIE element are required.

B.3. Letters of Willingness to Provide Service:

a. Fire Protection with Adequate Response Times:

The subject property is located in the Fort Myers Shores Fire District, and is immediately adjacent to the existing fire station. A letter from the Fort Myers Shores Fire District has been requested. Preliminary discussions have indicated that they are willing to provide service with adequate response times.

b. Emergency Medical Service:

The subject property is located in the Fort Myers Shores Fire District, and is located within approximately one mile from the nearest EMS Station. A letter from Lee County's EMS Program Manager is attached in Appendix B3.



LEE COUNTY
SOUTHWEST FLORIDA

EXHIBIT B.3

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

September 15, 2000

Mitch Hutchcraft, ASLA, AICP
Vanasse & Daylor, LLP
8270 College Parkway, Suite 205
Fort Myers, Florida 33919

Re: Comprehensive Plan Amendment for Baucom Ranch

Dear Mr. Hutchcraft:

As requested, I am pleased to provide you with an assessment of the impact to EMS related services in the area mentioned above. Lee County EMS is the licensed provider of pre-hospital emergency care to the residents and visitors in this area.

Given that this proposal would allow for 1,500 residential units and with a two (2) person per residence occupancy, this would result in a build out population of 3,000 persons. Based on 126 calls per 1,000 of population, the estimated annual call volume for EMS will be 378 emergency calls.

If you would like to discuss this further, please call me at the above referenced number.

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen
EMS Program Manager



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102 • FAX (941) 337-8378

PATRICIA ANN RILEY
CHAIRMAN • DISTRICT 3

KATHERINE BOREN
VICE CHAIRMAN • DISTRICT 4

TERRI K. WAMPLER
DISTRICT 1

LANNY MOORE, SR.
DISTRICT 2

LISA ROCKRUS
DISTRICT 5

BRUCE HARTER, PH.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

September 22, 2000

Mr. Mitch Hutchcraft, AICP
Executive Vice President
Vanasse & Daylor, LLP
8270 College Parkway, Suite 205
Fort Myers, FL 33919

Re: Request for Determination of Adequacy
Comprehensive Plan Amendment for Baucom Ranch

Dear Mr. Hutchcraft:

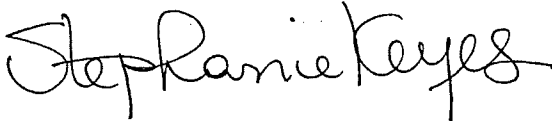
This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment that will be submitted to Lee County. According to your letter, the proposed change will be on a parcel located on the south side of SR 80 between SR 31 and Buckingham Road. This is within the District's East Choice Zone. The proposal is to accommodate 1,500 residential units. These units could generate approximately 465 public school students, based on an estimated student generation rate of .31 per dwelling unit.

According to the FY 00-01 District budget, expenditures per Full Time Equivalent (FTE) student are \$5,907.00, so the proposed project could create a financial impact of up to \$2,746,755.00 to the District. This proposal could create the need for up to 19 new classrooms along with additional staff and core facilities. The schools in this East region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings, as well as additional staff and increased District resources. Clearly, the fiscal impacts are significant and the applicant will need to mitigate the increased demands the development will place upon the Lee County School District.

In addition, this development is in close proximity to three District facilities, Riverdale High School, Buckingham Exceptional School, and the East County Transportation complex located on the Buckingham campus. The impact from the proposal to these facilities in terms of traffic congestion and compatibility should also be addressed.

If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in black ink, reading "Stephanie Keyes". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Stephanie Keyes, AICP, Facilities Planner
Construction Services

cc: Frederick R. Gutknecht, Director, Construction Services
file

FORT MYERS SHORES FIRE DEPT.

12345 PALM BEACH BLVD. S.E.

FORT MYERS, FLA. 33905

September 18, 2000

Mr. Mitch Hutchcraft, ASLA, AICP
VANASSE & DAYLOR, L.L.P.
12730 New Brittany Blvd. Ste. 600
Ft. Myers, Fl. 33907

RE: COMP. PLAN AMENDMENT FOR BAUCOM RANCH

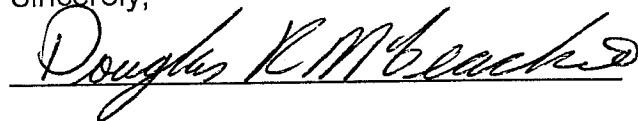
Dear Mr. Hutchcraft,

Your request for the amendment to the 2020 overlay should only have minimal effect on level of service. The Ft. Myers Shores Fire District provides an I.S.O. class 4 protection class to this area.

With fire impact fees in place and the moderate build out rate of the project, this should allow for ad valorem taxes on the new units to be in place to increase or upgrade service as needed.

Please feel free to contact me if you should require any additional information. I look forward to working with you and with Bonita Bay Properties.

Sincerely,

A handwritten signature in cursive script, reading "Douglas R. McGeachie", is written over a horizontal line.

Douglas R. McGeachie, Chief

.....

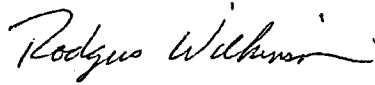
Florida Recycling Services, Inc.

September 18, 2000

Dear Mr. Hutchcraft

This letter concerns the parcel of land located on the south side of SR 80 between its junction with SR 31 and Buckingham Road.. Effective 10-01-2000 this area will be serviced by Florida Recycling Services for solid waste collection. FRS sends combustible wastes to the County's Waste to Energy Facility and non- combustible waste to the Gulf Coast Land fill. There will be no impact on FRS and we will be able and have the ability to provide the service that will be needed. If you have any questions please feel free to call me at 407-332-8500.

Sincerely,



Rodgers Wilkinson
Area Manager.

c. Law Enforcement:

The subject property is located in Unincorporated Lee County where the Lee County Sheriff's Office provides law enforcement. A letter of willingness to provide service has been requested.

d. Solid Waste:

Lee County began operation of the Waste-to-Energy Facility on August 24, 1994. All combustible waste is sent to this facility. The remaining residue is transported to the Gulf Coast Landfill on State Road 82.

The Gulf Coast Landfill will continue to receive construction and demolition material for the next 3 –4 years, after which time, the Lee/Hendry Disposal Facility will be available for use in the year 2002.

The capacity of the waste to energy plant and landfills exceed the standard of 7.0 pounds per capita established by the Lee Plan.

e. Mass Transit

Route 100 provides access to the subject property, as well as connection to the remainder of the Lee Tran service area. Exhibit B.3.(e) shows the Lee Tran Route Map for this area.

f. Schools:

The proposed development is anticipated to be a high-end residential development, which typically generates minimal demand on school resources. Further, the anticipated product type is expected to range from a low of \$250,000 - \$1,000,000 and higher. Because of the increase in property values and the low generation of school demand, it is anticipated that the project will have a positive net impact on the school system. Attached in Appendix "B3" is a copy of the letter provided by the Lee County School District.

C. Environmental Impacts:

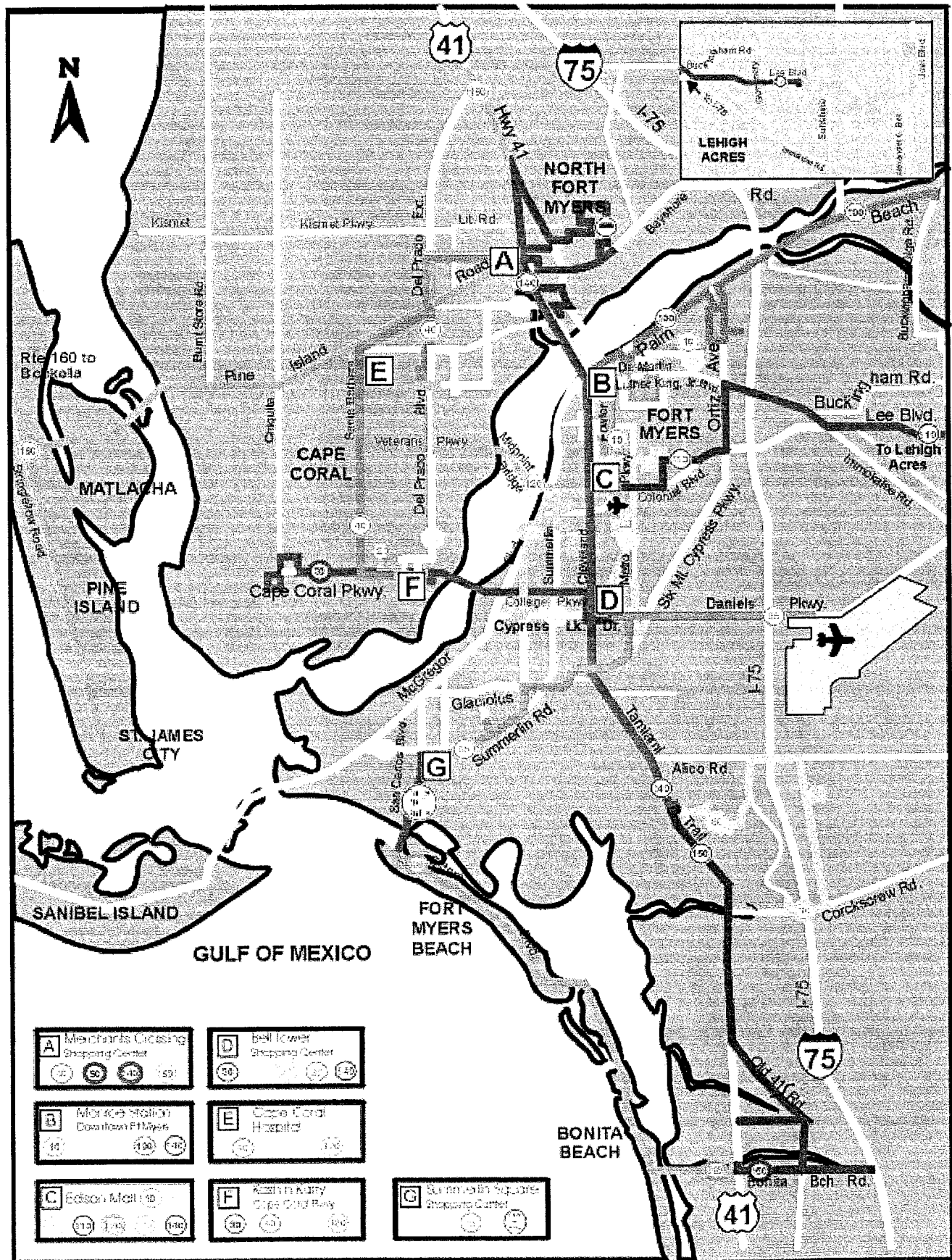
C.1. FLUCCS Mapping:

The subject property is predominated by agriculture or impacted FLUCCS categories, with minimal wetland areas. A copy of the FLUCCS Mapping prepared by Passarella and Associates is attached as Appendix C.1. A detailed environmental evaluation will be submitted as part of the Orange River property Mixed Use Planned Development.

C.2. Soils:

The subject property is currently designated for urban development based on its designation of "Suburban" land use category. The proposed amendment will not have any adverse impact on the Soils of the subject property, nor will it allow development of greater intensity or density than is already approved.

If necessary, site-specific information, such as soils, will be provided during the Orange River property Planned Development Application review process. However, a copy of the Lee County Soil Survey for the subject property has been provided as Exhibit C.2.



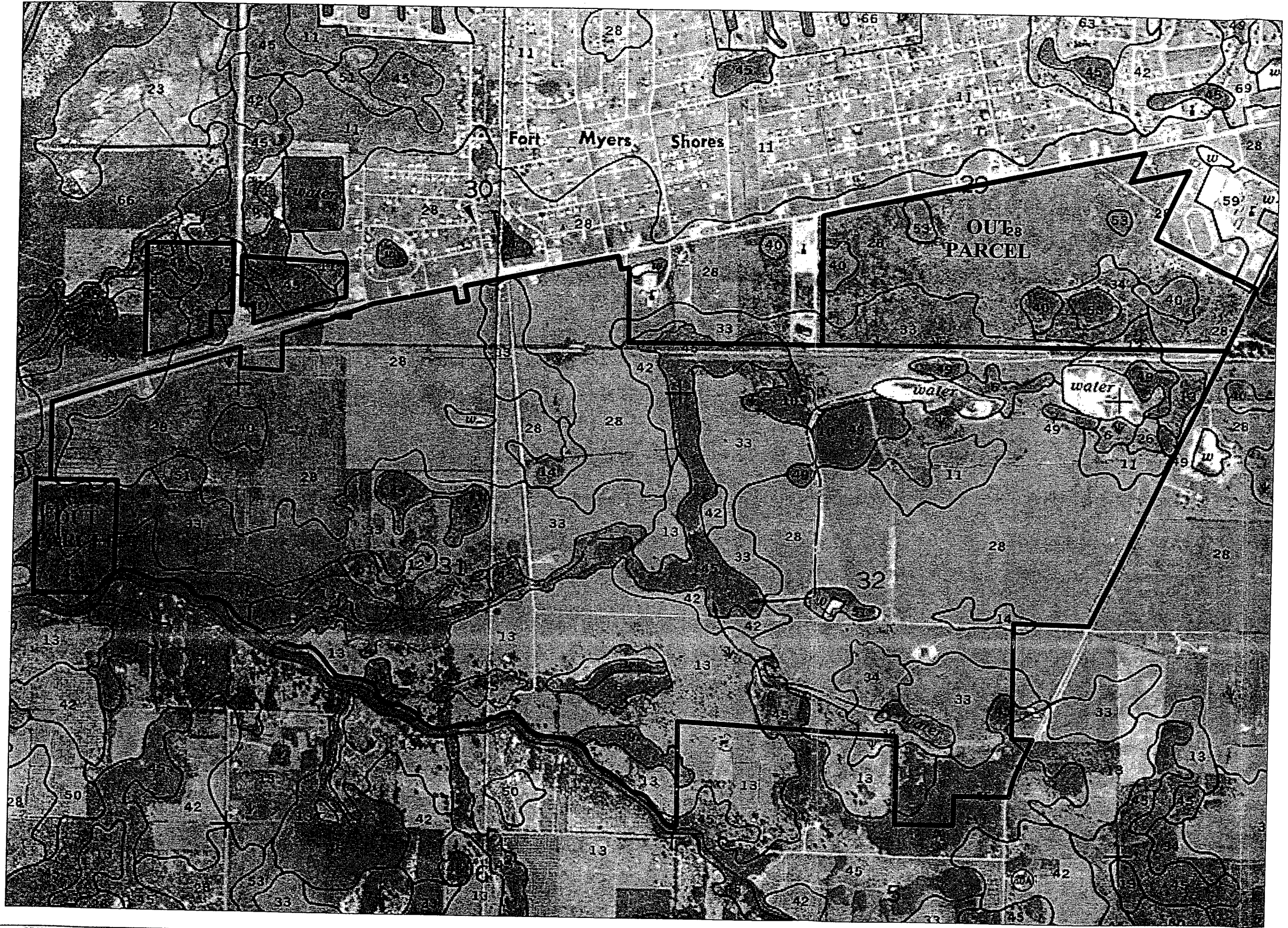


EXHIBIT C.2

RECEIVED
SEP 29 2000

PERMIT COUNTER

NOTES:
SOILS MAP SCANNED FROM NRCS
LEE COUNTY SOIL SURVEY.

MAPPING		HYDRIC/ NON-HYDRIC
UNIT	DESCRIPTION	
6	Hallandale Fine Sand	Non-hydric
10	Pompano Fine Sand	Hydric
11	Myakka Fine Sand	Non-hydric
12	Felda Fine Sand	Hydric
13	Boca Fine Sand	Non-hydric
14	Valkaria Fine Sand	Hydric
26	Pineda Fine Sand	Hydric
28	Immokalee Fine Sand	Non-hydric
33	Oldsmar Fine Sand	Non-hydric
34	Malabar Fine Sand	Hydric
35	Wabasso Sand	Non-hydric
39	Isles Fine Sand, Depressional	Hydric
40	Ancloste Sand, Depressional	Hydric
42	Wabasso Sand, Limestone Substratum	Non-hydric
45	Copeland Sandy Loam, Depressional	Hydric
49	Felda Fine Sand, Depressional	Hydric
51	Floridana Sand, Depressional	Hydric

REVISIONS			
DESIGNED BY	DATE	HORIZONTAL SCALE	
A.W.	9/22/99	N.T.S	
CHECKED BY	DATE	SEC./TWP./RNG.	
A.W.	9/22/99	25,36/43/25	
DRAWN BY	DATE	28,30,31,32,33/43/26	
S.L.O.	9/22/99		

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists
4575 Via Royale Suite 201 Ft. Myers, FL 33919

BAUCOM PROPERTY
SOILS MAP

DRAWING No.:
99BBP402-2-2
SHEET No.:
EXHIBIT 2-2

C.3. Topographic Map:

Appendix C.3. depicts the general topography for the subject property and surrounding areas. Johnson Engineering prepared this information. This information is preliminary in nature, but identifies Lee County Flooding Limits, as well as the FEMA flood zones and minimum floor elevations.

C.4. Wetlands, aquifer recharge areas, and rare and unique uplands.

The proposed amendment will not result in any changes to the Lee Plan that would allow new, unanticipated impacts. The proposed development plan and Master Concept Plan will be submitted as part of the proposed Orange River property Mixed Use Planned Development.

C.5. Protected Species:

The proposed amendment will not result in any changes to the Lee Plan that would allow new, unanticipated impacts. The proposed development plan, Master Concept Plan and Protected Species Survey have been submitted as part of the proposed Orange River property Mixed Use Planned Development. The zoning documentation demonstrates that the proposed development proposing minimal impacts to wetland habitat, and is preserving a significant amount of wetlands and uplands.

D. Impacts on Historic Resources:

In June 1999 the Archaeological and Historical Conservancy (AHC) conducted a phase one archaeological survey on the subject property. The parcel was surveyed to locate areas of possible archaeological or historical significance that could be affected by proposed development of the project parcel. The AHC conducted a pedestrian survey and dug subsurface shovel testing at particular areas within the project boundaries to locate and assess the significance of any potential archaeological or historical sites that might be present. A visit was made to the Ft. Myers USDA facility and aerial imagery dating to 1944 and 1954 were carefully examined to establish additional targets and areas of concern.

Nineteen targets of potential archaeological significance were ground-truthed by pedestrian surveys and subsurface testing. This resulted in the discovery of two archaeological sites and two areas of archaeological sensitivity that have the potential of yielding prehistoric material. In addition, seven historic features, sites, and structures were documented on the parcel. One of these, the citrus packinghouse site (8LL1984) located on the Orange River, is regarded to be of local significance.

These archaeological and historic sites and features encompass a fraction of less than 1% of the project parcel area, however, if development is proposed for the parcel then reviewing agencies may require additional documentation.

A copy of the map identifying the potential sites is attached as Exhibit D.

EXHIBIT D



RECEIVED
SEP 29 1990
PERMIT COUNTER

E. Internal Consistency with the Lee Plan:

The proposed amendment is consistent with the following goals, objectives and policies of the Lee Plan, the State Comprehensive Plan, and the Strategic Regional Policy Plan.

Lee Plan:

1.) Policy 1.1.5 –Suburban:

The proposed amendment to the 2020 Overlay will simply allow development to occur at densities already envisioned by the Lee Plan, as designated by Policy 1.1.5. The Suburban land use category accommodates residential development up to a maximum density of 6 dwelling units per acre, and Neighborhood Commercial uses. The majority of the adjacent land is similarly designated, ensuring compatibility of land uses.

2.) Objective 2.1 – Development Location:

The proposed amendment is consistent with Objective 2.1 because it allows for contiguous, compact growth patterns in an area where existing infrastructure is in place and sufficient to accommodate the proposed use.

3.) Policy 2.1.1:

This policy directs the majority of commercial, industrial and residential development to areas designated Future Urban on the Future Land Use Map. The proposed amendment simply allows development to occur in areas where the Lee Plan has already identified as appropriate for urban levels of development. Therefore the proposed amendment is consistent with this policy.

4.) Objective 2.2. – Development Timing:

Objective 2.2 directs new growth to those areas that have sufficient public infrastructure to support the proposed development. The proposed amendment is clearly consistent with this policy, in that the requisite infrastructure to accommodate development on this property is already in place, or will be assured through the zoning and development order process. The Lee Plan has already identified this area as appropriate for urban development, and by not approving this amendment, growth will be forced to more remote areas simply because of the immediate availability of 2020 allocations. Therefore the approval of this amendment request will actually further the intent of the Lee Plan.

5.) Goal 4:

Goal 4 encourages mixed-use development and integrated design. The subject property (as demonstrated in the zoning document submitted concurrent with this application) will be rezoned to a Mixed Use Planned Development. The ultimate development program provides for a mix of housing types, as well as sufficient open space, recreational opportunities and business and shopping opportunities to meet the needs of the immediate and surrounding community. The approval of the requested 2020 Amendment will result in the comprehensive Master Planning of approximately 1,400 acres. As reflected in the zoning submittal, the proposed master plan is well integrated, functionally related, and consistent with adjacent uses.

- 6.) **Policy 5.1.1:**
The amendment will allow for a coordinated planned development on approximately 1,400 acres.
- 7.) **Policy 5.1.5:**
The proposed amendment allows for the development of a residential planned development that is compatible with the land uses to the north, east and west. Further, the integrated design of this project will have a significant visual improvement on over 2 miles of frontage on SR 80 and about 1.5 miles of frontage on Buckingham Road, thereby improving the overall community appearance.
- 8.) **Policy 5.1.6:**
The proposed amendment will allow for a low density, golf course community which will provide a mix of residential unit types, as well as the ability to provide a significant amount of open space, buffering, landscaping and recreational amenities for its residents.
- 9.) **Standards 11.1 and 11.2:**
The proposed project will be served by Lee County Utilities.
- 10.) **Standard 11.3:**
The resulting project is being processed as a Mixed Use Planned Development, and has submitted a detailed TIS to document concurrency with the surrounding transportation network.
- 11.) **Objective 28.2:**
The subject property is serviced by access to mass transit.
- 12.) **Policy 36.1.5:**
The proposed development will be serviced by public sanitary sewer services.
- 13.) **Policy 45.2.1:**
The proposed development is located in an established fire district, and in an area where public water is available.
- 14.) **Goal 52 – Development Requirements:**
The proposed development will meet or exceed all required open space standards for residential developments.
- 15.) **Policy 79.1.1:**
The proposed development will comply with the County's new Hurricane Mitigation program.
- 16.) **Policy 84.1.2:**
The proposed project will, to the extent possible, integrate existing wetland, as well as connect historic or desired flow ways. Any impacts to jurisdictional wetlands will be in conformance with SFWMD or DEP dredge and fill permits or exemptions.

17.) Policy 100.9.5:

The proposed density and intensity of the subject property will be compatible with or improve the area's existing character.

18.) Policy 100.9.6:

The proposed amendment will ensure that the proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise and glare impacts on adjacent uses.

State Plan:

1.) Goal 16(a):

The project will have access to adequate public facilities, as noted in Section B.

2.) Policies 16(b)1 and 3:

The amendment will allow for a mix of residential unit types, and ensure a well-integrated transition from the commercial uses along SR 80 to the residential areas to the south.

Regional Policy Plan:

1.) Goal I-1:

This amendment will permit for a greater mix of housing types on the over all site.

2.) Policies I-5.1.c. and 2:

Approval of this amendment will allow for compact, efficient and compatible development patterns.

3.) Policies V-3.1 and 2:

The amendment will allow for residential uses next to an area that provides for significant business activities.

F. Additional Requirements for Specific Future Land Use Amendments:

The proposed amendment does not contain any provisions that require additional information under this section.

G. Planning Justification:

See the Attached Planning Narrative.

Exhibit IV-G: Planning Narrative

Orange River property

2020 Overlay Amendment

Planning Community 4

Introduction:

The subject property, commonly referred to as the Orange River property, is located in Planning Community 4 (Fort Myers Shores), and is situated between the Orange River and SR 80. The property runs from Buckingham road westward, beyond the intersection of SR 31. The total property is in excess of 1,400 acres.

The Future Land Use designation for the subject property is Suburban, which allows for urban levels of development, including a maximum of 6 dwelling units per acre, and commercial intensities up to Neighborhood Commercial levels.

The subject property is being developed by a subsidiary of Long Bay Partnership, and an application for a Mixed Use Planned Development has been submitted concurrent with this application to allow a maximum of 1,500 residential units, 160,000 square feet of retail, and up to 30,000 square feet of office. The resulting net density of the project will be less than 1.25 dwelling units per acre, which is clearly consistent with the existing land use category, as well as the surrounding residential uses.

In conducting the due diligence for the subject property, it was identified that there were insufficient 2020 allocations to accommodate the proposed residential component. Because this property has clearly been identified for urban levels of development, and because the proposed uses are consistent with the Lee Plan densities and intensities, and because the requisite urban infrastructure is in place to accommodate the proposed development, this application has been prepared to provide the data and analysis necessary to support an amendment to the 2020 Overlay.

Overview of the Proposed Development:

The proposed development is expected to provide a unique community experience in East Lee County. The project will contain a variety of residential products; up to 36 holes of championship golf; a village center that contains a clubhouse, recreational amenities, cultural opportunities and meeting areas; and neighborhood commercial opportunities ranging from shopping centers, to financial establishments and professional offices. The following Table details the development program requested in the zoning application for the subject property.

Table 1:

Orange River property Proposed Development Program:

Property Acreage:	+/- 1,400 acres
Maximum Residential Units:	1,500 dwelling units
Estimated Maximum Density:	1.2 dwelling units per acre
Maximum Retail Square Footage:	160,000 square feet
Maximum Office Square Footage:	30,000 square feet

Current Status of the Property:

The subject property currently has a variety of zoning categories including CC, CG, C1-A, AG-2 and PUD. The majority of the commercial zoning categories allow for strip commercial development along SR 80, while the remainder of the property is zoned AG-2, and is used for cattle grazing and agriculture.

A zoning application has been submitted to Lee County to request a rezoning to allow development in conformance with the program outlined in Table 1. It is anticipated that this rezoning application will be presented to the Hearing Examiner in early 2001, with final approval from the Board of County Commissioners being considered in late spring 2001.

Background Data:

This study includes a comprehensive review of numerous documents that have been used to support or illustrate the applicant's position that Planning Community 4 has not been allocated sufficient acreage to accommodate the projected growth within this area of Lee County, or to further the Goals, Objectives and Policies of the Lee Plan. These documents include the following:

- The Orange River property Zoning Application
- Surrounding Zoning Applications (Appendix G.1)
- The Lee Plan's 2020 Overlay and Allocation Tables (Appendix G.2)
- The Lee Plan
- PAM/T 96-13 – Selected Attachments (Appendix G.3)
- Lee County Conservation and Land Acquisition Advisory Committee (CLASAC) (Appendix G.4)
- 1990 Census Data and Population Projections (Appendix G.5)
- ACOE Draft Environmental Impact Study
- Department of Community Affairs Community Planning Memorandums
- Recent 2020 Overlay Amendments

Background Data:

A. Consistency with the Lee Plan Land Use Categories:

As outlined in Section IV-E, the underlying land use category is not being amended. The proposed development scenario is consistent with the anticipated densities and intensities of this area, and the Zoning Application for Mixed Use Planned Development illustrates how the proposed use is compatible with adjacent uses.

The approval of the 2020 Overlay Amendment will actually further implement the Lee Plan by allowing development to occur in areas designated for urban development. Further, all of the requisite infrastructure is in place or assured in conjunction with the proposed development.

B. Consistency with 2020 Overlay Concept:

The primary concept of the 2020 Overlay was to "designate future land use patterns to reflect the goals, objectives, and policies of the Lee Plan." This concept was required by the Department of Communities Affairs in the 1989 Settlement Agreement to ensure that the Future Land Use Map reflected the anticipated population, while also ensuring that the overlay also directed growth to those areas that were adequately serviced by infrastructure.

As presented above, the subject property is located in a designated urban area, serviced by all requisite infrastructure, surrounded by development, and was formerly included in the SR 80 Redevelopment Overlay District. Development of this property (as outlined in the zoning application) is clearly consistent with the goals, objectives and policies of the Lee Plan, as well as the Future Land Use Map. However, because the current 2020 Overlay allocations did not anticipate the shift in development to East Lee County, the 2020 allocations are insufficient to allow development consistent with the Lee Plan.

Based on the compliance with the Lee Plan, Future Land Use Map, and the intent of the 2020 Overlay, this amendment should be approved to accommodate the anticipated development within this urban area.

C. Consistency with Lee Plan Growth Management Provisions:

Goal 2 of the Lee Plan specifically addresses growth management. As outlined in Section IV-E, the proposed development is clearly consistent with the Growth Management provisions of the Lee Plan, as well as accepted community-planning standards. Further, by not increasing the 2020 allocations, developers will be inclined to develop smaller, piecemeal projects in reaction to the limited 2020 allocations. The result of not increasing the 2020 allocations for this Planning Community would be the underutilization of public infrastructure, and the inability to further the goals, objectives and policies of the Lee Plan.

A smarter development approach would be to encourage the master planning of larger tracts in order to preserve natural systems, retain open space, provide mixed use development, provide a variety of housing types, provide recreational opportunities and comprehensively address the provision of and impact to infrastructure. This approach is clearly established in Goals 2 and 4 of the Lee Plan, and would be implemented during the zoning approval of the proposed development. However, in order to provide some assurance to developers, the 2020 allocations need to be adjusted to ensure that development can be provided to accommodate existing and near term demand.

PART TWO: Specific Amendments to the 2020 Overlay

A. Existing Allocations:

Based on the August 18, 2000 update of the 2020 Overlay, Planning Community 4 can accommodate less than 163 acres of residential development in the Suburban land use category over the next 20 years. A detailed summary of the current allocations for the entire Planning Community is presented below:

Table 2: 2020 Residential Allocations – Planning Community 4 (8/18/2000)

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Intensive Development	89	23	66
Central Urban	208	198	10
Urban Community	632	389	243
Suburban	1,383	1,220	163
General Commercial Interchange	6	7	-1
Rural	454	282	172
Wetlands	59	81	-22
Total Residential	2,831 ¹	2,200 ¹	631 ¹

Source: Lee County Department of Community Development Website.

¹ This total has been recalculated. The total reflected on the Website was inaccurate.

For comparison, Table 3 has been provided to illustrate the consumption of residential acreage in Planning Community 4, since the Overlay program was modified by PAM/T 96-13. As clearly depicted by this table, there have been minimal changes in the available acreage over the last two years. Actually, there is slightly more available acreage in the 1998 Allocations than in the 2000 Allocations, due in part to more accurate mapping capabilities.

Table 3: 2020 Residential Allocations – Planning Community 4 (6/14/1998)

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Intensive Development	89	32	57
Central Urban	208	205	3
Urban Community	633	412	220
Suburban	1,383	1,229	154
General Commercial Interchange	7	7	0
Rural	454	318	137
Wetlands	59	59	0
Total Residential	2,834	2,263	571

Source: PAM/T 96-13 – Support Documentation

While these Tables seem to support a modest amount of residential allocations, it is imperative to evaluate them against recent development applications that have occurred within Planning Community 4. Presented below are some of the more recent applications.

Project:	Submittal/ HEX Date:	Acres:	Units:	Net Density:
Hawks Haven RPD:	10/1999	1,797 +/-	1,598	.9 Du/Ac
Buckingham 320:	5/2000	325+/-	1,320	4.1 Du/Ac
Buckingham Gardens:	5/2000	75 +/-	300	4.0 Du/Ac
Orange River property MPD:	10/2000	1,400 +/-	1,500	1.1 Du/Ac
Totals:		3,597 +/-	4,718	1.3 Du/Ac

These zoning applications clearly demonstrate that since the 2020 allocations were evaluated for modification through PAM/T 98-13, growth has shifted to this portion of the county. This is due in part to the minimal environmental limitations, the availability of public services, and community planning efforts to improve the community.

B. Proposed Allocations:

In order to more effectively accommodate the anticipated residential component of the Orange River property (which is located wholly within Planning Community 4), the following allocations are proposed:

Table 4: 2020 Residential Allocations – Planning Community 4 (8/18/2000)

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Intensive Development	89	23	66
Central Urban	208	198	10
Urban Community	632	389	243
Suburban	1,803.3	1,220	583.3
General Commercial Interchange	6	7	-1
Rural	454	282	172
Wetlands	59	81	-22
Total Residential	2,831 ¹	2,200 ¹	1,051.3 ¹

Source: Lee County Department of Community Development Website.

Based on preliminary development plans, approximately 420 acres of residential are planned for the Orange River property. This acreage has been reflected on Table 2. However, it is important to note that there are other significant projects that have been proposed in Planning Community 4, some in the Suburban land use category, and some in the Rural category. Because of this significant projected growth, additional residential allocations are justified within this Planning Community.

C. Justifications:

The following pages outline justifications and potential sources for the increase in the residential allocations for Planning Community 4.

1. Permitted 25% Allocation Buffer

As a result of reducing the population projections from the BEBR high-range to the BEBR mid-range (see Appendix G.5 – BEBR Population Projections), Lee County applied a 25% “buffer” to the difference between the current population and the projected population. This “buffer” concept is based on accepted community planning literature, and was accepted by DCA in reviewing PAM/T 96-13 (Appendix G.3). However, since adoption of the latest 2020 Amendment, DCA has issued technical memorandums indicating that the 25% buffer may be applied to population overall, not just the projected growth. Because DCA has allowed for a greater portion of the population to be used for the buffering calculation, but Lee County based their buffer on a significantly smaller component, the 2020 Overlay should be adjusted to reflect a 25% buffer based on the total population, not just the incremental growth.

As indicated in PAM/T 96-13, the 1996 Population was estimated at 394,244, while the projected 2020 Population was 602,000. Utilizing these figures, Lee County incorporated a 25% buffer on the 207,756 person difference, equating to an additional 51,939 people. However, if even a 15% buffer (less than the permitted 25%) were applied to the updated BEBR mid-range projections, a buffer of 90,885 people could be provided. This approach would provide for additional flexibility, as well as accommodating the unique “vested community” status of Lehigh Acres.

If the difference between the buffer provided by PAM/T 96-13 and the 15% buffer calculated above were applied evenly to each of the 20 Planning Communities, it could potentially have the following impact on the Suburban land use category in Planning Community 4.

Step 1: $38,946 \text{ people } (90,885 - 51,939) / 20 \text{ Planning Communities} = 1,947 \text{ people}$

Step 2: $1,947 \text{ people} / 2.55 \text{ pph} = 763 \text{ dwelling units}$

Step 3: $763 \text{ dwelling units} / 3.34 \text{ units per acre (historic rate in Community 4)} = 228.6 \text{ Acres in the Suburban land use category in Planning Community 4.}$

It is important to note that this calculation is extremely conservative, in that it only applied a 15% buffer to the overall population, rather than the accepted 25%, and it distributed the allocations evenly to the 20 Planning Communities. In reality, a number of the Planning Communities currently have adequate allocations, and do not require additional acreage.

2. Under Estimation of County Growth

PAM/T 96-13 details that the population projections used as the underpinning of the 2020 Overlay were based on BEBR mid-range projections for the year 2020. As outlined in this report, those projections showed a population of 602,000 by the year 2020. Since these projections were done, BEBR has updated its projections, and now shows a 2020 population of 605,900 (See Appendix G.5). This results in an unallocated population of 3,900.

Because the growth in Lee County is primarily in the unincorporated areas, and because Planning Community 4 is under allocated, the following analysis investigates the potential impact this variation would have on the 2020 allocations.

- Step 1:** Apply Flexibility Factor of 125%
 $3,900 * 1.25 = 4,875$ people
- Step 2:** Calculate Dwelling Units:
 $4,875 \text{ people} / 2.09 \text{ people per household (PAM/T 96-13 – Attachment 9)}$
 $2,332$ dwelling units
- Step 3:** Allocate to Various Planning Communities
 50% to Planning Community 4 (due to significant under allocation)
 $.5 * 2,332 \text{ dwelling units} = 1,166$ dwelling units available to Plan. Com. 4
- Step 4:** Calculate Acreage within Suburban Land Use Category
 $1,166 \text{ du} / 3.34 \text{ du/ac (PAM/T 96-13 – Attachment 4)}$
 349.1 Acres of Suburban Allocation

The result of this analysis demonstrates that simply by adjusting the 2020 Allocations to reflect the increase in the BEBR mid-range projections, between 349 and 523.2 acres (75% of available dwelling units) could be allocated to the Suburban land use category of Planning Community 4.

3. Unutilized CLASAC Allocations:

Lee County Ordinance No. 96-12 created the Lee County Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC). The purpose of the CLASAC program is to acquire, preserve and restore environmentally critical or sensitive lands within the County. As of 8/8/2000, Lee County has acquired almost 500 acres, and is presently negotiating the acquisition of an additional 1,600 acres (See Appendix G-4).

One of the main criteria in the evaluation of these parcels is development pressure. Projects that are located in urban land use categories have intensive zoning, or development orders are given higher consideration for acquisition. Once acquired, the County has never re-evaluated the 2020 Allocations to redistribute them to more appropriate locations. This process is significant in light of several acquired or pursued properties, as outlined below.

Table 5: CLASAC/2020 Land Acquisition Programs

Property I.D.	Acres	STRAP	Land Use	Planning Community	Potential Units
4	39	30-43-27	Central Urban	4	115
55	157	4-44-22	Wetlands	16	0
57	132.29	32-43-27	Rural	4	4
58	39	7-43-23			
62	175		DRGR	18	1.75
66	82.93	12-46-24	Suburban	13	497
69	39.51	30-45-25	Out. Suburban	11	120
73	66.55	8-44-26	Rural Comm.	20	66
75	38	17-43-23	Open Lands	6	3
77	55.45	32-45-24	Urban Comm. Wetlands	12	120
78	75.26	29-45-24	Urban Comm. Wetlands	15	300
79	8.7	20 & 21-43-26	Rural	1	8
81	47.58	32-43-27	Wetlands	3	2
82	52.4	29 & 32-43-25	Suburban Wetlands	19	120
91	5.2	13-43-22	Outlying Sub.	6	15
92	80	22-45-22	Wetlands	16	4
93	233.68	21-46-27	DRGR	18	23
95	5	13-43-22	Outlying Sub.	6	10
96	10.42	13-43-22	Outlying Sub.	6	20
99	15.67	13-43-22	Outlying Sub.	6	30
102	83.02	8-43-23	Open Land	5	8
107	66.01	5-43-23	Open Land	5	6
108	1,115	Numerous	Outlying Sub. Suburban Wetland	19 & 1	1598
Totals:	2,622.67				2951.75

While many of the potential dwelling units are estimated for each parcel, and not all of the units may be immediately deductible from the 2020 Overlay Allocation table, there is clearly a source of additional allocations resulting from the continued acquisition through the CLASAC program. For example, Parcel 108 is an approved Planned Development (River Run - #Z-93-052), which is approved for 1,598 dwelling units. These units are in similar land use categories to the Orange River property project, and are in close proximity to the Fort Myers Shores Planning Community. If you were to simply convert these units to Planning Community 4, additional acreage would be available without adjusting the capacity of the Future Land Use Map.

Step 1: 1,598 units / 2.55 pph = 626 units

Step 2: 626 units / 3.34 du/ac = 187.6 acres

Based on these calculations, an additional 187.6 acres of 2020 residential allocations could be made available to the Suburban Land Use Category of Planning Community 4.

4. Over allocation of other Planning Communities:

One of the unique challenges associated with Lee County's 2020 Overlay mechanism is the allocation of units to vested lots in Lehigh. In order to accommodate these vested lots, Lee County allocated significant 2020 residential acreage to this community, even though the amount allocated is significantly greater than what is expected by the 2020.

Presented below are population projections for the Lehigh Planning Community, recent "draws" on the allocated acreage, and a projection of how many years it will take to consume the allocated acreage at the current growth rate.

Population projections:

Attachment 15 of PAM/T 96-13 (See Appendix G.3) provided a running total of housing units by Community, beginning in 1918 and ending in 1997. According to this table, the number of housing units in Lehigh in 1990 was 11,573, which had grown to 12,598 by the year 1997. This equates to an approximate growth of 146 dwelling units per year.

Similarly, the 1990 census showed the 1990 population of Lehigh to be 21,731, with 10,397 dwelling units.

As determined by the Lee County Department of Community Development, the Lehigh Fire District contained 13,908 dwelling units and functional population of 29,821, as of December 1999. The increase in dwelling units from 1990 (as calculated by the Census) to the 1999 (as tracked by Fire District) is 3,511 dwelling units. This growth equates to 351 dwelling units per year over the 10-year period.

Lee County projects the Lehigh population to be 77,307 by the year 2020 (PAM/T 96-13). Based on people per household figures obtained from the 1990 Census, an additional 17,905 dwelling units are anticipated by the year 2020.

77,307 people / 2.43 pph = 31,813 dwelling units

31,813 (2020 Units) - 13,908 (1999 units) = 17,905 new units by 2020

The Lee County Department of Community Development web site contains the latest 2020 allocation table, which shows the current 2020 allocations for Lehigh are as follows:

Central Urban (CU)	1,405 available acres
Urban Community (UC)	7,885 available acres

By applying the population and acreage rates contained in PAM/T 96-13 to the allocated acres, the following determinations can be made.

- Step 1:** 1,405 acres of CU * 3.88 (historical du/ac) = 5,451 dwelling units
5,451 dwelling units * 2.43 (1990 pph) = 13,246 people
- Step 2:** 7,885 acres of UC * 2.36 (historical du/ac) = 18,608 dwelling units
18,608 dwelling units * 2.43 = 45,218 people
- Step 3:** 13,246 people (from CU) + 45,218 people (from UC) =
58,464 new people are accommodated by the 2020 allocations.
- Step 4:** 29,821 (1999 base population) + 58,464 (2020 accommodated) = 88,285 people
- Step 5:** 77,307 (projected 2020 population) – 88,285 =
10,978 excess population accommodated in Lehigh
- Step 6:** This step removes the excess allocation from the Urban Community Category in the Lehigh Planning Community, and demonstrates the potential impact it would have in the Fort Myers Shores Planning Community, while still accommodating all of the projected growth in the Lehigh Community.

10,978 people / 2.43 pph = 4,518 dwelling units
4,518 du / 2.36 (historical density in UC) = 1,914 acres

By removing 1,914 acres from the urban community land use category of the Lehigh Planning Community, the allocations would be as follows:

Table 6: Modified 2020 Residential Allocations – Lehigh Planning Community

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Central Urban	3,804	2,399	1,405
Urban Community	7,360	1,389	5,971
Rural	10	1	9
Wetlands	4	4	0
Total Residential	11,178	3,793	7,385

- Step 7:** Evaluate the potential impact of adding the excess allocations from Lehigh to Planning Community 4.

10,978 people (excess in Lehigh) / 2.55 pph = 4,305 dwelling units
4,305 du / 3.34 (historic density) = 1,289 acres of Suburban

The result of this exercise clearly demonstrates that there is more than sufficient acreage allocated to this vested community to accommodate the projected growth. This fact is even more obvious in light of Appendix H, which contains a map showing all of the lots in Lehigh that have significant outstanding taxes, and are subject to significant back taxes and penalties, or conversion to County assets. This conversion could eliminate approximately 14,000 lots from the available inventory in Lehigh Acres. Further, the lack of available infrastructure in Lehigh will continue to slow development in the immediate future. For these reasons, the amount of allocations in Lehigh can be adjusted without adversely impacting the vested status of the community (See Appendix G.6).

5. Artificial limitation on low density development

The regulatory component of the 2020 Overlay is the allocation of acreage. As a result, Lee County tracks Development Orders to monitor acreage from the 2020 Allocation Table. Actual deductions are made upon issuance of a building permit. While this approach was designed to facilitate tracking, it is not the most accurate measure of impact.

Under the current approach, the 2020 Overlay converts population projections to anticipated numbers of units. Based on the projected unit counts, the County generates acreages based on anticipated densities within Future Land Use Categories and Planning Community districts. While this process is documented in PAM/T 96-13, it is extremely complicated, and virtually impossible for a layperson to actually evaluate. Beyond being complicated, this approach inappropriately limits low-density residential developments, whereas higher density residential developments with greater impacts are allowed. For Example:

Orange River property Scenario:

Assume the property has 1,000 net residential acres. According to Lee County, residential development in the Suburban land use category within Planning Community 4 typically occurs at a density of 3.34 units per acre. Based on that ratio, a total of 3,340 dwelling units should be anticipated.

However, if that same 1,000 net residential acres requests only 1,500 dwelling units in order to maintain the character of the community, from a 2020 Overlay perspective the draw on residential allocations is the same, even though the actual impact on infrastructure is less than half.

Another way to look at it is that the Suburban land use category in Planning Community is allocated 164 residential acres. Based on the County's unit per acre projection, that 164 acres would normally accommodate 548 dwelling units. However, a development containing 548 dwelling units at a density of 1.2 units per acre (requiring 457 acres) would be prohibited, even though the impact on infrastructure is the same.

The reality of this scenario is that even though the proposed density is well within the permitted density range for the Land Use Category, appropriate buffers and preservation areas are accommodated, and all requisite infrastructure is available, the 2020 Overlay precludes this use. The alternative is for development to be pushed to Lehigh, or other Planning Community, where the infrastructure is not in place. This would result in the need to expand infrastructure into a new area, while underutilizing existing infrastructure. Based on many definitions, forcing development to areas where infrastructure is not sufficient to accommodate growth is urban sprawl.

6. Modifications due to Bonita Incorporation

Given the recent incorporation of Bonita Springs, it is mandatory that Lee County re-evaluate its 2020 Overlay program. One of the primary directives of the new Town Council is to provide greater limitations on new development. This trend is likely to significantly reduce the need for the residential acreage that was previously allocated to the Bonita Springs Planning Community. Because this Bonita Springs has not completed its Comprehensive Plan, it is difficult to specifically identify what modifications will be required to the 2020 Overlay. However, any additional acreage should be considered for allocation in the under-allocated communities such as Fort Myers Shores.

D. Reservation of Allocation:

Currently, the 2020 Overlay is allocated on a first come, first serve basis, with the actual "draw" being taken at the time of building permit. This approach allows for more flexibility in the distribution of 2020 acreages, but provide no assurances for larger projects that have a longer-term build-out.

For example, a large-scale project could obtain approvals for 1,500 dwelling units. At the time of zoning approval, there are sufficient 2020 acres to accommodate the project, but the project has a 10-year build out. At year 3, two smaller projects (each having 400 dwelling units and 4 year build out) obtain approvals and begin developing. By the time the first project reaches its seventh year, all of the entitlements are gone, leaving it under allocated until additional acres can be placed into the Planning Community.

As part of this amendment, it is strongly recommended that allocations be reserved, on a project-by-project basis, once a project obtains Planned Development approval. These allocations must be tied to a development schedule to ensure that the project doesn't get drawn out, tying up the 2020 allocations so other timely projects can't proceed. A second approach would be for the County to accept the responsibility to automatically update the 2020 allocations for larger projects, in accordance with the development timetable established during zoning or Development Order Approval. This approach would give developers of larger projects a higher level of certainty, while not unfairly limiting smaller projects.

E. Summary:

Based on the information presented in this application, as well as the support documentation, there is more than sufficient data and analysis to support an amendment to the 2020 Overlay, Table 1(b), to provide sufficient residential allocations to accommodate the proposed Orange River property development.

Hawk's Haven RPD

Development Type - PD

Status - Approved

Fort Myers Shores Planning Community

Project Approvals

Use	ACRES	UNITS	Square Feet	Note
ROW/Other	30.00		0	Road ROW
Residential Amenities	34.70		0	Golf Club, Rec. Area, and Information Center
Open Space/Parks	644.00		0	Includes ALL forms of open space (wetland, upland, lakes, indigenous, non-indigenous)
Non-County Golf Course	531.00		0	36 golf holes
Grand Total of Uses	1,239.70		0	
Residential				
Total Residential	557.90	1,598	0	Will likely contain 200-250 M.F. and the balance SF, duplex, and townhouse
Grand Total of Residential Uses	557.90	1,598	0	
Project Total	1,797.60	1,598	0	

Project Hearings

Resolution #	Hearing Date	Hearing #	Approved	S-T-R:	Notes
Z-99-056	10/18/99	99-03-066.03Z 01.01	Yes	25,26,27,34,35,3643 -26	Rezone AG-2 to RPD

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: CASE DCI964568 fka 99-10-090.03Z
APPLICANT: BUCKINGHAM 320
HEARING DATE: MAY 24, 2000

LEE COUNTY
RECEIVED
JUL 11 11:00 AM
COMM. DEV.
PLANNING
SECTION
1000 FL

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Residential Planned Development (RPD) pursuant to Lee County Land Development Code (LDC).

Filed by THOMAS GORE, TRUSTEE, 1334 Gasparilla Drive, Ft. Myers, FL 33901 (Applicant/Trustee); CHARLES J. BASINAIT, ESQUIRE, % HENDERSON, FRANKLIN, STARNES & HOLT, P.A., P. O. Box 280, Ft. Myers, FL 33902-0280 (Agent).

Request is to rezone 325± acres of land from AG-2 to Residential Planned Development (RPD) to permit a maximum of 1,320 dwelling units in a mix of housing types, with personal and private recreational facilities and a private club (no golf course). Buildings are not to exceed 35 feet in height within a maximum of three stories.

The subject property is located at 3621 Buckingham Road (approximately 1½ miles south of S.R. 80 on the east side of Buckingham Road), in S32 & 33-T43S-R26E, Lee County, FL. (District #5)

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Kay Deselem. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners APPROVE the Applicant's request to rezone 325± acres from AG-2 to Residential Planned Development (RPD) for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP), entitled "Conceptual Site Plan-Buckingham 320 RPD," stamped received April 26, 2000, last revised April 26, 2000, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

Administrative Office

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only)

Club, private

Dwelling Units

(1) A maximum of **900 units** to be comprised of single-family, duplex, townhouse, multiple-family and zero-lot-line units (densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed)

(2) Single-family units may be located in any of the Phases/Development Areas within the Suburban land use category - whether or not so indicated on the approved Master Concept Plan, PROVIDED the trips do not exceed 8,759 ADT, 648 AM peak hour, and 845 PM peak hour - as set out in the Zoning Traffic Impact Study.

(3) The number of units is also subject to compliance with concurrency requirements

Entrance Gates and Gatehouse

Model Home and Model Unit - must be in compliance with LDC §34-1954 only

Model Display Center - must be in compliance with LDC §34-1955, limited to one which must be located in the sales center area shown on the MCP and must only serve this project

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in LDC §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not to exceed five years from the date the Certificate of Occupancy for the sales office is issued is approved.

Recreational Facilities - Private, On-site only

Residential Accessory Uses - In compliance with LDC §34-622(c)42 and LDC Article VII, Division 2

Signs, in compliance with LDC Chapter 30

b. **Site Development Regulations**

Overall Project:

Setbacks:

(structure, parking areas, water management areas and pavement): In compliance with LDC §10-329 for water detention/retention excavation setbacks and LDC §10-416(d)(6)

Building Height: 35 feet/three stories (not to exceed either parameter)
Open Space: 40 percent minimum
10 percent must be distributed to individual dwelling units having immediate private ground floor access.
Indigenous open space must be provided as depicted on the MCP

Minimum Water Body Setback: 25 feet
Maximum Lot Coverage: 40 percent

Phases 1-6:

Minimum Lot Area: 5,250 square feet
Minimum Lot Width: 50 feet
Minimum Lot Depth: 105 feet
Minimum Street Setback: 20 feet
Minimum Side Setback: zero feet and five feet for zero lot line units, 7.5 feet for all others, except that where there are two or more principal buildings on a development tract, the minimum separation of buildings will be no less than 20 feet
Minimum Rear Setback: 20 feet

Phases 7 & 8:

Minimum Lot Area: 20,000 square feet
Minimum Lot Width: 100 feet
Minimum Lot Depth: 100 feet
Minimum Street Setback: 20 feet
Minimum Side Setback: 10 feet
Minimum Rear Setback: 25 feet

3. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with Lee Plan objectives.

a. The Developer must initiate the establishment of a homeowners' or residents' association. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

b. The Developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.

c. Hurricane preparedness and impact mitigation, if required, must comply with the provisions of Land Development Code §2-481 *et seq.*

4. Prior to Development Order Approval, the MCP must be revised to show compliance with the required 50-foot-minimum lake setback from Buckingham Road, an arterial roadway. Approval of this MCP does not grant any deviation from this requirement.

5. The developer must provide written disclosure to all potential and actual property owners within this project, of the existence of The School District of Lee County's transportation facility on the Buckingham campus and the potential for expansion of this facility.

6. Model units and homes are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and

b. All model sites must be designated on the development order plans; and

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local Development Order Application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

7. Multi-family uses within Phase 1 must be located north of the upland preserve area as depicted on the MCP, and no such structures may be constructed within 150 feet of the southern or western property line (excluding those areas where the western boundary abuts Buckingham Road).

8. A buffer 20 feet in width must be planted along the southern and western property line (excluding lands abutting Buckingham Road) *prior to the approval of building permits* for any dwelling units in Phases 1, 6 or 7. The vegetation in the buffer must contain, at a minimum, six native trees per 100 linear feet. All trees must be a minimum of 10 feet tall at time of planting. All shrubs must be a minimum of four feet tall at the time of planting and must create an unbroken hedge. Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition, and no buffer is required in the area on the MCP shown as upland preserve areas.

9. Bona fide agricultural uses that are now in existence may continue in a given phase until the development of that phase commences, except for those areas designated as wetland/preserve area on the MCP, which will be specifically provided protection from intrusion by existing or continued agricultural uses prior to commencement of Phase 1. However, no development activity of any kind may occur on the property, including clearing

of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.

10. The following conditions are included to address Lee Plan consistency issues:

a. The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 120 dwelling units may be constructed in the Rural designated areas of the project.

b. Given the limited existing available Suburban 2020 Planning Community Acreage Allocation at the time of rezoning, the available Suburban allocation must be determined by the Planning Division, prior to any Development Order approval for residential uses in the Suburban portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In that event, in order for Applicant to develop the Suburban acreage with residential uses, the Lee Plan must be amended to change the Suburban residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.

c. Approval of this rezoning does not guarantee local Development Order approval or vest present or future development rights for Lee Plan consistency. Development Order approvals must be reviewed for and found to be consistent with all other Lee Plan provisions.

11. Prior to Development Order approval, the MCP must be amended to depict a water retention area, no less than 100 feet wide, along the south property line (outside of the indigenous preserve areas) where such south property line is adjacent to Riverdale Ranches, Rancho Eight or Skates Circle. This condition does not include those areas of Phase 1 that are separated from Buckingham Road by the indigenous areas.

12. This development must comply with all of the requirements of the LDC at the time of local Development Order Approval, except as may be granted by deviations approved as part of this planned development or subsequent amendments thereto.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone 325± acres from AG-2 to RPD for development of 1,320 dwelling units in a mixture of single-family, multi-family and zero-lot-line housing types. The subject property is located east of Buckingham Road, about one mile south of State Road 80 (S.R. 80). It is a large, irregularly-shaped tract that is designated Suburban on the west two-thirds, and Rural on the east third. It is bordered on the north by a school and a bus

storage facility, and AG-2 zoned and used lands; on the east by a mixture of RS-1, AG-2 and RPD zoning districts and uses; and on the south and west by AG-2 zoned lands developed with very low density scattered residential uses and agricultural uses.

Applicant's Master Concept Plan (MCP) depicts eight phases of development with two access points along the 2,350-foot frontage of Buckingham Road, and a large preservation area in the southwest corner. The MCP indicates that they will be building 120 single-family units on the eastern 120 acres of the site, which are designated Rural in the Lee Plan. This works out to a density of one unit per acre for that area, which is consistent with the maximum allowable density in the Rural land use category.

Phases 1 through 6 - being in the Suburban land use category - were planned for development with single-family, multi-family, zero-lot-line, and townhouse units at a gross density of about 5.85 units per acre for that 205 acres. This density would be just slightly less than the maximum allowable density of six units per acre in the Suburban category.

If developed as proposed, the overall project, Phases 1 through 8, will have a density of about 4.06 units per acre.

The site contains approximately 15+ acres of wetlands, with about 13.8 of those acres being located in the southwest corner, and the other 1.4+ acres located toward the east along the south boundary. Applicant proposes to preserve the 13+-acre wooded wetland in the southwest corner, but will incorporate the 1.4-acre area into the detention/retention lake that will be excavated along the south boundary.

Applicant, in recognition that their proposed development would be of a higher density than the surrounding development and lands, proposed some additional buffer and boundary setbacks along the south property line. The lands located to the south of the subject property have been designated Buckingham Rural Community Preserve Area (Rural Preserve Area) in the Lee Plan, and have been restricted to a development density of only one unit per acre. The additional buffering and setback were intended to reduce any impacts of the proposed higher density development on the planned and existing lower density development within the Rural Preserve Area. Water retention/detention lakes along the south and northeast boundaries are expected to provide additional separation and buffering between the proposed project and the existing scattered residential development in those areas. The MCP also reflects a 20-foot-wide buffer along the south property line, between the preserve area and Buckingham Road, to protect the existing single-family residences abutting that area.

Buckingham Road is classified as a 2-laned arterial, which currently provides access to S.R. 80 and S.R. 82, and to Lee Boulevard in Lehigh Acres. Eventually, Buckingham Road is expected to connect into Daniels Parkway via S.R. 82, and to become a 4-laned arterial sometime in the future. However, LCDOT has no existing current or long range plans for that improvement. The existing level of service (LOS) on Buckingham Road is LOS "C." It is anticipated that this project will reduce that LOS to "D" until the roadway is widened. Applicant pointed out that LOS "D" is still an acceptable level of service under the Lee Plan. In addition, they will be required to mitigate some of the project's impacts on the surrounding road network by putting in certain site-related transportation improvements such as turn lanes at the project accesses and other affected intersections.

Staff recommended approval of the RPD zoning, with conditions, finding that the request, as conditioned, was consistent with the intent and provisions of the Lee Plan and Land Development Code. They specifically found that the additional setbacks and buffering along the south property line makes this project compatible with the surrounding lower density/intensity uses and zoning districts.

The public hearing was attended by quite a few residents of the Buckingham and Alva area, who strenuously objected to the proposed density of the project, although not to the RPD zoning. They argued that the proposed density would be much greater than the existing density in the vicinity of the site and is totally incompatible with the existing and planned development for the area. They noted that the existing residential development in the immediate vicinity of the site is on larger acreage parcels, and complies with the one unit per acre density established in the Rural Preserve Area designation.

The Rural Preserve Area (Goal 17) was adopted in the Lee Plan in the early 1990's, and Policy 17.1.3 mandates a minimum lot size of 43,560 square feet even in a residential planned development. Goal 17 was last amended in 1998, but the stated intent has always been to preserve and protect the "historic rural character" and the "unique historical and environmental values" of the Buckingham area. The residents asserted that the proposed development would be inconsistent with, and contrary to, that stated intent, as the proposed project will have an overall density four times greater than what is allowed on all the properties lying south of the site. They stressed that approval of this density would destroy the rural character and historical values of the Rural Preserve Area, as well as the rest of the Buckingham area, and asked that the project be approved with a maximum density of only one unit per acre.

It was brought out in the hearing that only two residential projects in the vicinity of the subject property have densities of four to six units per acre. Both of those projects are located just south of S.R. 80 on Buckingham Road, and are adjacent to the commercial area fronting on S.R. 80. The objectors felt that a higher density was appropriate for those projects because of their proximity to S.R. 80, but was not appropriate for this property which is located well away from the commercial uses on a smaller, more rural roadway.

The residents asserted that the allowable density should decrease as proposed projects get further away from S.R. 80 and closer to the designated Rural Preserve Area. They argued that this project should be restricted to a much lesser density than what Applicant has proposed, in order to protect the rural nature of the area, as well as the mandated density of one unit per acre in the Rural Preserve Area. They pointed out that the MCP depicts some of the phases along Buckingham Road with densities as high as eight units per acre, which clearly means putting in multi-story condo or apartment buildings. They believed multi-story condo or apartment buildings were completely inconsistent and incompatible with the 1- and 2-story single-family residential development already out there. They also believed that multi-story condo or apartment buildings would be jeopardize the existing rural character and nature of the surrounding lands.

The objectors also pointed out that the Hawk's Haven project was approved for 1,598 dwelling units - with a maximum density of one unit per acre. They acknowledged that Hawk's Haven is located to the north and east of the subject property, in the Rural land use category - which

only allows a density of one unit per acre. Nevertheless, it was their belief that the proposed development, with its higher density and location between Hawk's Haven and the Rural Preserve Area, would have detrimental impacts on the property owners and residents of both those areas.

These folks also expressed concerns about the effect this project would have on Buckingham Road, which they believed was already too busy and quite dangerous for drivers. They noted that there are schools at either end of Buckingham Road - Lehigh Senior High on the south and Riverdale Senior High on the north end. Since the School District's bus storage facility is also located to the north of the subject property, Buckingham Road is already being subjected to numerous buses going to and from that facility, as well as other vehicles associated with that school facility or the high schools. They believed that a development of this size - with 8,759 average daily trips would greatly restrict the flow of traffic on the 2-laned Buckingham Road, and would further endanger anyone using that narrow roadway.

Applicant responded that the increased setbacks, including the excavated lakes and buffers, assured the compatibility of this project with the adjacent uses. They asserted that the proposed development plan puts the higher number of units closer to Buckingham Road and the school facility, which is consistent with good planning principles, and would help to protect the lower density properties to the east and south. They felt the proposed project, as designed, would provide a good "transition" from the 1-unit-per-acre density (in the Rural Preserve Area) to the higher density/higher intensity development currently existing about one mile to the north of the site.

Applicant argued that the approval of Hawk's Haven at a one unit per acre density had no bearing on the case herein, as those lands were designated Rural in the Lee Plan, which meant they could not be developed at any higher density. They also believed that the Hawk's Haven rezoning did not set a precedent for future rezonings in the area, and alleged that the Rural Preserve Area was not established as, nor intended to be, the development standard for all of the Buckingham area - only that area within the designated boundaries of the Rural Preserve Area. They asserted that development of the areas outside the Rural Preserve Area should be regulated by the land use designation, zoning district, and marketability.

Staff concurred with Applicant's responses to the public input.

The undersigned Hearing Examiner concurs, generally, with Staff's analysis, findings and recommendation of approval, with conditions, finding that approval of the rezoning to RPD is appropriate for the subject property, but that the proposed overall density of 4.06 units per acre is too intensive for the area. The Hearing Examiner finds that the request, as conditioned herein, meets the criteria for approval, is consistent with the intent and provisions of the Lee Plan, and will not be detrimental to the surrounding persons or property or the general public.

As noted, the Hearing Examiner is concerned about the proposed density of the project, in light of the low density - one unit per acre - mandated by the Lee Plan on both the east and south boundaries of the subject property. The Hearing Examiner understands and agrees that the density required in the Lee Plan for the Rural land use category and the Buckingham Rural Community Preserve Area does not necessitate an overall density of one unit per acre

on the subject property. Nevertheless, she finds that the requested density of 4.06 units per acre is not consistent with the BOCC's stated intent for preserving the rural character of the Buckingham area, nor with the existing or planned development and uses in the area.

In the MCP, Phases 1 through 6 are located in the Suburban land use designation and Phases 7 and 8 are in the Rural designation. Phases 1 through 4 are located along the west side of the site, with Phases 5 and 6 lying in the south central portion, and Phases 7 and 8 lying on the east. The dwelling unit distribution and acreage is depicted on the MCP as follows:

Phase 1	(Southwest corner)	58 acres/225 units	3.8 units per acre
Phase 2	(West central)	30 acres/150 units	3.0 units per acre
Phase 3	(Northwest corner)	36 acres/324 units	8.8 units per acre
Phase 4	(North parcel)	36 acres/324 units	8.8 units per acre
Phase 5	(South central)	22 acres/88 units	4.0 units per acre
Phase 6	(South central)	22 acres/88 units	4.0 units per acre
Phase 7	(Southeast corner)	50 acres/50 units	1.0 units per acre
Phase 8	(Northeast corner)	71 acres/70 units	1.0 units per acre

The Hearing Examiner recognizes that Applicant's plan puts the highest density phases (Phases 3 and 4) adjacent to the school parcel on the north and Buckingham Road on the west in an attempt to buffer the residential units to the south of the subject property from the more intensive use. Phases 1 and 6, with a density of about four± units per acre, lie right along the south property line on the western half of the site, and are to be separated from the adjoining one unit per acre lands by a 100-foot-wide retention/detention lake and vegetative buffer, which is intended to provide some relief. Nevertheless, the Hearing Examiner points out that the density of the 205 acres of Suburban lands is approximately 5.85 units per acre - which is almost the maximum density allowed in the Lee Plan for this land use designation - and almost six times the allowable density of the lands to the south and east.

Furthermore, the Hearing Examiner understands, but does not agree with, Applicant's argument that the overall density (4.06 units per acre) constitutes a transitional density. A transitional density is one in which a "medium density/intensity" project is used to separate and buffer a less intensive development from a higher intensity one. In this instance, however, the proposed project will have essentially the same density as the two residential developments located a mile away at the intersection of S.R. 80 and Buckingham Road, even though the lands immediately surrounding the subject property would only allow a very low density development. In the Hearing Examiner's opinion, the facts of this situation do not meet the criteria nor the intent for a "transitional" project.

Lastly, the Hearing Examiner is aware that the BOCC established specific boundaries for the Buckingham Rural Community Preserve Area in Goal 17. However, she is not sure that the BOCC meant for the protection and preservation of the rural lifestyle and nature of the Buckingham area to end *abruptly* at the designated boundaries of the Rural Preserve Area or at the boundaries of the Rural land use designation.

For these reasons, it is the Hearing Examiner's recommendation that the BOCC approve only 900 units for this site - of which at least 120 will be single-family units. This works out to an

overall density of 2.77 units per acre, and a density of 3.8 units per acre for the 205 Suburban acres, which is clearly a mid-line density in the Suburban land use designation. It is further the Hearing Examiner's opinion that a density of 2.77 units per acre is an appropriate transitional density, given the facts and circumstances relating to this area.

With the reduced density, the Hearing Examiner finds that the project will be consistent with the intent and provisions of the Lee Plan and the Land Development Code, and will be compatible and consistent with the surrounding development/uses and zoning districts.

It is the opinion of the Hearing Examiner that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed development, and, with other local and state regulations, will protect the public health, safety and welfare.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

- A. That the Applicant has proved entitlement to these requests, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
- B. That the requests, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the requests, as conditioned, are consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the requests, as conditioned, are compatible with existing or planned uses in the surrounding area.
- E. That approval of the requests, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry the traffic it generates.
- F. That the requests, as conditioned, will not adversely affect environmentally critical areas and natural resources.
- G. That the proposed mix of housing types, as conditioned, are appropriate at the subject location.
- H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.
- I. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

VI. LIST OF EXHIBITS:

Buckingham 320 RPD Conceptual Site Plan (one sheet), prepared by Morris-Depew Associates, Inc., stamped "Received Apr 26 2000 Permit Counter"

STAFF'S EXHIBITS

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

- 1 Aerial Photographs - S32-T43S-R26E, Sheet No. 183D, and S33-T43S-R26E, Sheet No. 199C, dated Feb. 1999
- 2 Zoning/Intergraph Maps - S32-T45S-R26E and S33-T43S-R26E
- 3 Condition 9

APPLICANT'S EXHIBITS

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

- 1 Master Concept Plan
- 2 Modified Condition 2.a.(2)
- 3 Modified Condition 9
- 4 Applicant's Rezoning Analysis: The Buckingham 320 RPD, prepared by Morris-Depew Associates, Inc., dated 05/24/00

VII. PRESENTATION SUMMARY:

The Hearing Examiner announced the case, and explained to the public that the Applicant would first present their case. Following that, County Staff would present their Staff Report and recommendation. She would then take public comment and questions. She explained that a person must provide testimony or evidence on the record in order to appear before the Board of County Commissioners (BOCC) at their Zoning Hearing. At this time, the Hearing Examiner placed all witnesses under oath.

Charles Basinait, Applicant's attorney, explained that this is a request to rezone a 325±-acre parcel from AG-2 (Agricultural) to Residential Planned Development (RPD), with a maximum number of units anticipated at 1,320. The subject property is located in East Fort Myers, south of State Road 80 (S.R. 80) on the east side of Buckingham Road, and east of I-75.

Mr. Basinait referenced the Master Concept Plan (MCP) [Applicant's Exhibit 1], noting that it was a "bubble plan." The MCP sets out a list of uses which are all residentially oriented. The property falls within two land use categories - Suburban along the front and Rural at the rear

of the site. He indicated the dividing line between these two categories, and stated that David Depew (Applicant's planner) would go into this in much greater detail. Mr. Basinait estimated that 200+ acres is situated in the Suburban portion of the site, with a little over 120 acres designated as Rural.

County Staff has prepared a Staff Report and is recommending approval of the requested rezoning, with conditions. The Applicant is in agreement with the majority of Staff's proposed conditions - except for Conditions 2.a.(2) and 9. The Applicant has modified language they will be submitting for substitution of Condition 2.a.(2). In Condition 9, the Applicant is merely asking for some additional language to the condition. With regard to Condition 4, the Applicant would ask that this condition be deleted; they believe it isn't necessary.

Mr. Basinait acknowledged the presence of a number of public at the hearing, and stated that he assumed most of them were from the East Fort Myers/Buckingham area. He stated that he and Mr. Depew had met with a number of people the previous day. While they did not reach any agreements as it was more of a fact finding/exchange of information type of meeting, the Applicant did intend to meet again with the residents over the next few weeks. The residents had asked that the Applicant request a continuance in this case; however, the Applicant is too far along in the process to agree to this request. In lieu of this, the Applicant offered to have more meetings with the residents.

Mr. Basinait introduced Mr. Depew and stated that he (Depew) is a local land use planner. Mr. Depew would go through the specific request, address comprehensive plan consistency, Land Development Code (LDC) consistency, and other issues of this nature. Mr. Depew stated that he is president of Morris-Depew Associates, and also serves as a land planner in the course of his normal professional duties. He noted that he had previously been certified in this forum as an expert in planning, zoning, and transportation planning issues on a number of other occasions. A copy of his résumé is on file with the Hearing Examiner's Office. He asked that he be accepted as an expert in those areas for purposes of the instant hearing. There were no objections from the County, and Mr. Depew was accepted as such.

Mr. Depew indicated that he was familiar with the subject property, and referenced the various exhibits being exhibited. He noted that the aerial photograph [Staff's Exhibit 1] was a composite because the subject property is bisected by the section line between Sections 32 and 33 (Township 44 South, Range 26 East). The parcel is an irregularly shaped property. Buckingham Road, a 2-laned arterial roadway, abuts the site on its western boundary. Mr. Depew noted that the engineer who prepared the Traffic Impact Study (TIS) for the zoning application was present and could respond to any questions relating to Buckingham Road.

Referencing the aerial photograph, Mr. Depew pointed out that the subject property (highlighted in pink) is currently under cultivation and used for active agricultural purposes. He noted the lines denoting the cultivation activity. There is also a forested area in the southwest area of the site. He noted one area where the subject property wrapped around another area, reiterating that the subject property is irregularly shaped. This is an important aspect to consider because it has implications with regard to the perimeter treatment of the development.

Mr. Depew noted that Staff had also exhibited two zoning/intergraph maps [Staff's Exhibit 2] for the two sections over which the subject property stretched. The green "cross hatched" area is the subject property. He noted that the green area at the top of the map for Section 33 was another parcel, and not part of the instant rezoning. He compared the outline of the subject property on the aerial photographs with that outlined on the zoning/intergraph maps. He referenced the site plan [Applicant's Exhibit 1], which also depicted the irregular boundaries of the site.

The subject parcel is approximately 325 acres. The request is to rezone it from AG-2 to RPD, and to permit a maximum of 1,320 dwelling units. He indicated that a mixture of dwelling types is proposed for the project, including private recreational facilities and a private club, but no golf course. Building heights would not exceed 35 feet, or a maximum of three stories.

Mr. Depew addressed the problems in doing site planning on a parcel which is irregularly shaped, and with the characteristics of the subject property. It is really axiomatic that you need to consider the perimeter of the project, and this is one of the things they tried to do as part of this project. Even though they have a bubble plan, the plan shows what they tried to do and what they achieved.

The first thing they looked at was the environmentally sensitive area in the southwest portion of the site. As the aerial photograph depicts, a portion of this area is heavily wooded; it has not been farmed or heavily disturbed. The Applicant has, therefore, consistent with their environmental analyses, attempted to preserve this area and what little remaining natural vegetation exists on the site. This is an important element because it provides, in some respects, a buffer area and an area of green space for that portion of the project. When you look at the conditions proposed by Staff, and agreed to by the Applicant, it could be seen that this is an important element in terms of the buffering process.

Another thing which the Applicant tried to do when dealing with the perimeter of the site was to place the stormwater management system and detention/retention areas along that perimeter, as much as possible. Referencing the plan, he noted how these areas were depicted with wavy lines and indicated that this did not characterize how they would ultimately look; it was just an indication of where these areas would be. He reiterated that they are planning to place the stormwater management areas along the perimeter of the site, which will provide additional setback and buffering in areas which might need additional setback and buffering.

They have provided standard buffer details on the MCP, and the locations for those standard buffer areas. They have also provided more of a setback and a buffer from the property to the north and northwest owned by the School District. This includes the parcel on which the Buckingham Exceptional School is located, and the parcel where the school bus storage facility is located.

The plan shows access points in two locations on Buckingham Road to serve the proposed residential development. There is sewer service in this area with a 10-inch force main. Central water service is also within reach of this area, therefore, central utility service can be provided for this project. Buckingham Road is a 2-laned, arterial facility. He noted that there were no current plans to widen Buckingham Road, but the Applicant has discussed with Lee County

Department of Transportation (LCDOT) Staff about providing setbacks along this roadway. There are some retention areas located at the front of the site which are intended to separate any impacts associated with traffic on Buckingham Road from the residential activities. These retention areas will not encroach into the area which will ultimately be needed for the widening of Buckingham Road.

The Applicant has not requested any deviations to allow them to these retention areas closer, etc., than the required 50-foot setback distance. He noted that, while these areas might appear, on the plan, to be closer than this, this is not the intent - no deviations have been requested which would allow this.

Mr. Depew noted that, in fact, the Applicant hasn't requested any deviations for the proposed project and site plan. The Applicant is willing to work with Staff and has met with the County about the potential for providing right-of-way for future road improvements.

He pointed out a small area on the northwest corner of the site, indicating that they have been discussing giving this to the School District. They have not worked out all the details yet. He noted that giving property to a public agency was rather complicated. He pointed to the road which goes through that triangular piece, providing access to the School District's property. They are working with the School District to convey this triangular piece to the School District, and the Applicant is committed to doing this. This will also provide the School District with a straighter, more even property boundary. Mr. Depew commented that the Applicant did not want the School District's road; they want the School District to have it.

As Mr. Basinait has indicated, the site is situated in two land use categories. The Applicant has tried to be sensitive to the differences between these two categories. They have concentrated their densities on the western portion of the site, i.e., the portion which is designated as Suburban. They have agreed to a condition proposed by Staff which would limit residential densities on the eastern portion of the property. He noted that there was approximately 121 acres in that area, and they would limit the density to 120 single-family dwelling units. These areas are located in Phases 7 and 8 of the project, and are in the area of the site designated as Rural.

Noting that they cannot spread the density throughout the property, since they can only place 120 units in this Rural area, the Applicant is asking for a variety of housing types in the Suburban area of the site, including multi-family, zero-lot-line, and single-family housing.

To the north/northwest of the site is the Buckingham Exceptional School, and the School District's transportation [bus] facility. To the east are lands zoned AG-2. To the northeast, and abutting the site at its northeast corner, is Hawk's Haven, a residential golf course community. To the south are some single-family residences. There are a number of different residential developments, as well as some vacant land. Referencing the "cut out" area, he indicated that this was a farmed area. He pointed out some other vacant lands and some scattered residences. At the southeast corner of the site (referencing the aerial photograph), he noted certain platted characteristics of those lands, indicating that this was the beginning of an area of Lehigh Acres. West, across Buckingham Road, is the Baucom property which has recently been acquired by Bonita Bay and on which planning efforts have begun.

The Hearing Examiner noted the proposed location of the water management areas along the perimeter of the site, and asked whether these would be narrow lakes or dry detention/retention areas? Mr. Depew indicated that some of the areas would be lakes, as well as some marshy areas and dry retention areas. There would be a mixture. He could not, however, state exactly where each of these types of areas would be located. Referencing the aerial photograph, he pointed out a small wetland area which extends onto the subject property. This is reflected on the MCP as a small "bump" in the retention lake area. They were going to try to have a mixture of these types of areas, but, for the most part, it would be wet retention. There would be some marshy areas with littoral plantings, etc. This has not been engineered yet, so he didn't have any specifics. They are trying to mix the different types of areas so that they can put in some plantings which will look good, and also have some open spaces with lakes, etc.

The South Florida Water Management District (SFWMD) will require that they average at least a 100-foot width for anything that remains as wet retention. The Applicant has no problem with this, and this should create a nice feature in this area, especially with the addition of plantings, etc. It should be an asset to the development. Mr. Depew stated that this was an important plus on the side of the Applicant. They need to create a nice interior to the site, and these features will provide this.

With regard to the Lee Plan land use designations, Mr. Depew noted that the Suburban category covers the western portion of the site with approximately 203 acres, and then approximately 121 acres in the Rural category on the eastern portion of the site. The Suburban category is one which is intended to be predominantly residential, and is a category which is on the fringe of the Central Urban or Urban Community areas. Suburban areas are intended to provide housing near the more urban areas, but not provide the full mix of land uses typical in urban areas. The proposed project is a classic Suburban proposal, and will provide a mixture of residential activities, but not the full mix of land uses which one would associate with urban areas.

Rural areas are intended to remain low density residential or agricultural with minimal non-residential land uses. The proposed site plan maintains that type of approach, and the Applicant has agreed to a number of conditions which will assure that the Lee Plan policies pertaining to the Rural category are adhered to.

Lee Plan Objective 2.1 and Policy 2.1.1 speak to contiguous and compact growth patterns being promoted through the rezoning process, conservation of land, water and natural resources, minimizing the costs of services, and preventing development patterns in which large tracts of land are bypassed. It was his belief that the proposed project successfully meets all this criteria. The project is in close proximity to a number of other projects and activities in this area.

He referred to Attachment A to the Staff Report. This zoning and land map shows the subject property as well as many of the surrounding areas and uses. He pointed out that, when you refer to this map, it is clear that there is significant residential activity in this area. The RS-1 zoned properties to the southeast of the subject property are in Lehigh Acres. The Riverdale Ranches subdivision is located to the south. Hawk's Haven is to the northeast. Riverdale Shores, a U.S. Home development is just to the north. He pointed out the adjacent School

District property [Buckingham Exceptional School, and the bus facility], as well as Riverdale High School further to the north (on the west side of Buckingham Road). At the intersection of Buckingham Road and S.R. 80 is rather significant commercial development, including a couple of shopping centers, fast food restaurants, etc.

This area is clearly one in which activity is occurring, and the development patterns support the Applicant's proposal.

Objective 2.2 addresses development timing in light of concurrency considerations and availability of services. Referencing Attachment A again, Mr. Depew pointed out what was happening in this area. Development, services, and infrastructure are being extended to this area. As he had noted, there is sewer service, and water service is in close proximity, which can easily be extended to the site. The property fronts on and will have access to a 2-laned, arterial roadway (Buckingham Road) which has good capacity at this time. The necessary facilities are in place, or close to being in place, for the suburban type of development proposed by the Applicant. Policy 2.2.1 notes that these types of infrastructure questions must be looked at. As support by the application, the Staff Report, and the proposed conditions, the request is consistent with this Policy.

Policy 4.1.1 sets out that development designs need to be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site. Mr. Depew pointed out that the subject property had essentially been scraped clean as part of the agricultural activities occurring on this site for a number of years. The exception to this is the southwest corner, which is a forested area and will be included in the overall preservation efforts on this site. The Applicant recognizes the need to preserve the natural areas and indigenous vegetation that exists on the site. Environmental Sciences Staff has reviewed this area, and has proposed certain conditions (Attachment D to the Staff Report). Staff has acknowledged that there really isn't much to be preserved, but the Applicant has committed to additional buffering and setbacks along the perimeter of the site. The development design will take into consideration what exists in this area and on the site, as well as what will be occurring in this area in the future.

Mr. Depew referenced the property's frontage along Buckingham Road, stating that they were proposing to create a nice looking frontage area. In addition to incorporating the additional setbacks necessary for the widening of Buckingham Road, they are also targeting this area for buffering and landscaping, and perhaps a water feature incorporating the retention/detention areas.

He explained that they had not put in a lot of design effort into the project yet. They were still working through various engineering questions associated with the types of units and the marketing of this project. Based on this, he did not have a lot of detail with regard to the specifics of the lot layout or the structures on the site. They are doing their best to create a product which will be a middle class project with a mid-range price structure. They are trying to provide residential structures which offer four bedrooms, 2½ baths, or four bedrooms with three baths, throughout much of the project or as much as will work from an economic standpoint. The average price range is \$120,000. The Applicant isn't a developer of low-cost housing; he is a developer of moderate to upper level housing. They are looking at this area

as one which could provide a product in demand for young families and others looking in the \$120,000-\$130,000 price range. Mr. Depew believed that the 4-bedroom/2½-bath units would sell out quite quickly as these types of units were in fairly high demand for young families.

Lee Plan Policy 5.1.5 provides protection of existing and future residential areas. The proposed use isn't one which will be "encroaching" into residential areas - it is a residential use which is compatible with and supportive of future residential areas. In the Rural portion of the site, density will be at one unit per acre. In the Suburban portion, there will be a mixture of various types of dwelling units. The total number of proposed residential units is 1,320, with an overall density of around four units per acre. This is consistent with the density in both land use categories.

The LDC addresses and defines compatibility in terms of the relationship between two land uses in which the two land uses exhibit either a positive or a neutral relationship. The Applicant believes that this is the situation involved with the instant request, and how it relates to the adjacent or surrounding properties and development thereon. Mr. Depew stated that the proposed project will create either a positive development, or, at the very least, a neutral development.

There are a number of design criteria set out in LDC Section 34-411, and those criteria speak to minimizing negative effects, and overall site planning and design criteria of a project. The proposed plan complies or will comply with those criteria, especially in light of the conditions proposed by Staff. The project will be consistent with this Section. He reiterated that the Applicant has not requested any deviations; therefore, they must meet the criteria of the LDC. He noted that this was further evidence of the compatibility with the surrounding land uses and zoning.

Mr. Depew next addressed Staff's proposed conditions, confirming that the Applicant is in agreement with these with three minor exceptions. He referenced Condition 2.a., the Schedule of Uses, and subheading (2), which sets out that the development can have 120 single-family units, 400 zero-lot-line single-family units, and 800 multi-family units. He noted that this was "nice" and was what the Applicant based their traffic impacts on, and where Staff probably got those numbers. These were reflective of the numbers shown on the MCP. This is, however, only a projection of what they envision for the site. They have used these numbers to show the maximum possible impact. On the other hand, he could quite easily see the project being developed with only single-family residential. They did not, however, want to request that at this time because they need to preserve some flexibility so they can make this project work, and to provide the type of internal, recreational amenities (recreational facilities, internal landscaping, buffering, etc.) that will be an asset to the community and which will make economic sense. This, in turn, will ensure that the developer will be able to sell the units and not end up in bankruptcy, etc. The idea is to provide incentive for good development to take place, and this is how they would like to see this condition worded.

The Applicant would propose a modified condition for Condition 2.a.(2) to provide more flexibility than the language proposed by Staff. Mr. Basinait submitted Applicant's Exhibit 2, containing the proposed modified language for Condition 2.a.(2). Mr. Depew explained that this condition would allow the Applicant to develop any mixture of units. He noted that, obviously, this was only on the Suburban portion as the portion located in the Rural area

would be single-family as limited by the Lee Plan. This condition would allow for a mixture of uses on the Suburban portion which could equate up to the overall impact described in the Traffic Impact Statement (TIS), i.e., 8,759 average daily trips. This is the maximum number of trips that the TIS projects under the scenario of 120 single-family units, 400 zero-lot-line units, and 800 multi-family units. This revised condition would allow this unit mix, so long as no Lee Plan policies were violated, and up to this total projected traffic impact.

This will provide flexibility to the project and, long term, will create a better project that may evolve with a lower density. Should the zero-lot-line and multi-family units, however, actually sell well in this area, then the Applicant would like this ability to make this an economically healthy project that can be maintained over the long term. The Applicant believes that this condition would provide a reasonable compromise, but still gives Staff exactly what they want, i.e., a limitation on the traffic impacts. The Staff's proposed language appears to arise from this concern.

Condition 4 requires that, prior to development order approval, the MCP must be revised to show the 50-foot minimum lake setback from an arterial roadway. The Applicant isn't asking for a deviation from this requirement. They will be maintaining any minimum required setbacks, such as the 50-foot lake setback. He noted that the Applicant didn't have a problem with this condition, but pointed out that this condition wasn't necessary as the Applicant hasn't asked to deviate from these particular requirements of the LDC. The intent of the MCP isn't to get approval for any lesser setback. The Applicant intends to develop the site with the required setback along Buckingham Road in order to accommodate any water retention or lake facilities.

With regard to Condition 9, Mr. Depew pointed out that the site currently had active agricultural activities. Mr. Basinait submitted Applicant's Exhibit 3, with revised language for Condition 9. Mr. Depew referenced the MCP, noting that the project is to be a phased project. The Applicant would like to maintain the agricultural activities, on a phase-by-phase basis, until such time as development is opened up within a phase. He interpreted Staff's condition such that agricultural activities were allowed until development activities commence; however, once development begins, they lose the ability to have these agricultural activities/uses. The Applicant would like to maintain these agricultural uses.

He explained that this related to the unique structure of the site. It is a very long parcel with a large area to the rear that won't be developed for quite awhile. They have to extend infrastructure from Buckingham Road inward, and they aren't going to extend it all the way to the rear of the site and then work their way back up to the front. This would be cost prohibitive, and would create an economic nightmare for this project. He pointed out where they wanted to begin development activities, and how they proposed to proceed as they worked towards the rear of the site. They did not see any reason why they could not maintain agricultural activities in the short term on the area to the east of the Rural land use line. This would help the land pay for itself by producing something.

The Applicant would, therefore, request that the first sentence of Condition 9 be modified to state that "bona fide agricultural uses that are now in existence may continue in a given phase until the development of that phase commences." This would mean that, as each phase is

opened up, any agricultural activities/production would be shut down, and active development of that phase would begin. The Applicant believes that this is a reasonable approach to development on this site, and would request this modification of the language in Condition 9.

He noted that, with regard to the remainder of the conditions, the Applicant did not have any disagreements or further comments. He stated that he had addressed the various Lee Plan and LDC aspects of the site, and, in conclusion, would note that the request represents a series of conditions and commitments which conform to all of the various applicable codes, policies, and ordinances. He had covered the specific Lee Plan Objectives, Goals, and Policies, and all the elements of the LDC which are applicable. Significant efforts have been made to ensure that the proposed project is compatible with the adjoining properties and other development in this area. With the proposed conditions, as modified, success of the project can be assured as well as the ultimate long term economic health and viability of the property and development.

Mr. Basinait asked Mr. Depew whether, to his knowledge, the proposed project would degrade the level of service on Buckingham Road below the County's acceptable level of service, and Mr. Depew replied that it did not. Mr. Basinait asked whether it would do so, either at buildout or at any other point in time? Mr. Depew replied that it would not. Mr. Basinait questioned whether this also included the background traffic, and Mr. Depew indicated that it did.

Mr. Depew clarified that the subject property was not located in the Buckingham Rural Community Preserve Area; it is north of that Area. He believed that Staff had already identified this fact in the Staff Report, but wanted to ensure that this point was clear to the Hearing Examiner.

Mr. Basinait submitted a copy of the "Applicant's Rezoning Analysis" for the Buckingham 320 RPD, which was labeled as Applicant's Exhibit 4.

Kay Deselem, Development Services Division, presented the Staff Report and stated that a copy of her résumé is on file with the Hearing Examiner's Office. She asked to be accepted as an expert witness in the field of land use planning in Lee County. There were no objections, and she was accepted as such. Ms. Deselem noted that Kim Trebatoski, with Environmental Sciences, was part of the County's review team in this matter; however, she wasn't present at the hearing. If any questions concerning the environmental aspects of the case did arise, Ms. Trebatoski was on-call and could come to the hearing to respond to those questions. She noted that Elaine Wicks, with LCDOT, was present and could respond to any transportation-related issues. Ms. Deselem stated that Mr. Depew had made a fairly detailed presentation, therefore, she would not restate those facts, but only cover the outstanding issues.

The only outstanding issues or disagreements relate to three conditions, or portions thereof. Ms. Deselem indicated that an element which had given Staff some concern was the fact that the Applicant's site plan is a "bubble plan." This provides the Applicant with extreme flexibility, although the Applicant isn't asking for any deviations. No "product" is shown on the site plan. The Applicant has noted how many dwelling units will be in each phase. That is the only detail that has been provided. The Applicant provided the same information in the TIS, and Staff

merely adopted, into their proposed conditions, what the Applicant had provided. The Applicant was now indicating that they didn't want this information/restriction, that this was counter-productive. Staff needs something, in an application, on which they can rely, and they relied on the information submitted by the Applicant. Staff would request that Condition 2.a.(2), as set out in the Staff Report, be retained "as is."

She noted that Ms. Wicks (LCDOT) would address Condition 4 as it related to traffic issues.

With regard to Condition 9, this particular condition has been imposed in numerous projects where there is a bona fide agricultural use on the land. It has been much negotiated, agreed upon, refined and fine-tuned over the years and it seems to have worked well in the past. Staff has some concerns about cattle grazing in the preserve areas. The Applicant has proposed to modify Condition 9 (Applicant's Exhibit 3) to allow existing agricultural uses to continue, contingent on the phasing plan. At this point, "phasing" is just the label on an area on the MCP - there is no "phasing plan." The proposed buildout period is 10 years; however, Staff has no idea how many years any particular phase will take, when development will begin, or when it will end. She believed that the wording of Condition 9 was appropriate and asked that Staff's wording be retained.

Mr. Basinait noted that, when discussing Condition 9, Ms. Deselem had indicated that she wasn't sure when a particular phase will begin or end. He asked whether she understood that the Applicant's proposed language change for Condition 9 simply states that, when development begins in a particular phase, all agricultural activities in that phase would cease? Ms. Deselem noted that the Applicant's modification didn't really mean anything because they didn't know what a "phase" was - other than the label on an area on the site plan. There isn't any type of phasing plan, therefore, there was no way to determine what would happen.

Mr. Basinait asked if there is some reason why the timing of the phases was important? Ms. Deselem indicated that Staff was concerned that the areas shown as preserve areas be maintained as such, and that agricultural uses be kept out of those areas. Referencing the site plan, she pointed to the indigenous areas included as part of Phase I. Although that area is named "Phase I," there are no indications as to which phase the Applicant was planning to develop first. Environmental Sciences Staff wanted to maintain the preserve area and ensure that there were no agricultural uses in those areas. Staff doesn't know what is in there now, but believe there could have been some cattle grazing. They wanted to make sure that the cattle grazing activity ceased as part of Phase I. Without a phasing plan, the Applicant might begin development on any part/phase of the subject property. Without a phasing plan, Staff doesn't know where development is going to begin because the Applicant has the flexibility to come in at any portion, or sub-phase it through the development order stage.

The Hearing Examiner asked Mr. Basinait to clarify whether there were already cattle grazing on the subject property, and that the Applicant would stop these grazing activities when development commenced? Mr. Basinait explained that the property is being used as a hay farm. Ms. Deselem commented that the zoning application designated the use as "agriculture" and that is all the information Staff had to go on. During her conversation with Ms. Trebatoski there was some indication that there might have been cattle grazing on the subject property. Staff was concerned that cattle would trample or further degrade the indigenous areas of the

property and that could go on for 10 years (until buildout of the property). Right now, there is no phasing plan. Staff has been told that buildout is proposed in 10 years and that is all they have to go on.

Mr. Basinait asked again why the timing is important, noting that he did not quite understand why the timing makes that much of a difference. If what the Applicant was proposing to do was maintain the current agricultural use and, if that current agricultural use is a hay farm, how was that is going to affect the preservation areas? They were certainly not going to be invading the preserve areas to grow hay. But, in any event, from the standpoint of the timing of each individual phase, he did not see why it should make any real difference. What the Applicant is asking is to maintain agricultural operations. The important part of this proposal is that buildout is going to occur sometime in the next five to 10 years. Staff is proposing that, the first time a spade of dirt is turned at one end of the property, all agricultural operations over the entire property must stop, even in the Rural area. This does not make sense. Staff is presenting such an attenuated argument, that he cannot find the relevance.

Ms. Deselem offered a compromise on Condition 9 - perhaps additional language stating that there can be limiting conditions that would be effective in the Rural land use areas, but not in the Suburban land use areas. Since the Applicant believes that they are going to be developing one portion sooner than the other, and there appears to not be any environmentally critical areas in the Rural area, she could see the merit to Mr. Basinait's argument, particularly when the existing land use is apparently row crops.

The Hearing Examiner clarified that Staff's major concern is with the preserve area, more so than anything else on the site, and Ms. Deselem agreed. The Hearing Examiner noted that, in the past, tax credits have been a major issue. She asked whether Staff's concern has anything to do with the tax credit? Ms. Deselem stated that she could see where that could be an issue, but not in this case. Once the Applicant gets the land zoned RPD, it's RPD, and they will also be getting tax credits for agriculturally used land.

Mr. Basinait indicated that there was no problem in agreeing to Staff's condition that under no circumstance would this proposal impact that preserve area. The Applicant had no intentions of impacting the preserve area anyway. There are wetland areas and other areas designated for preservation as shown on the Master Concept Plan. As Mr. Depew stated during his testimony, the plan is to leave those areas virtually intact. He could not foresee any agricultural activities impacting that.

The Hearing Examiner noted that Condition 8 of the Staff Report requires that a 20-foot-wide buffer ". . . be planted along the southern and western property line (excluding lands abutting Buckingham Road) prior to the approval of the building permits. . . ." She questioned why this condition was tied to the approval of the building permits, rather than the actual commencement of development? Ms. Deselem explained that, in this manner, the vegetation would already be in place and would have had a chance to grow prior to actually having structures on-site. Referring to the MCP, she indicated the area along the southern-western property line near Buckingham Road that Staff was concerned about. The Hearing Examiner observed that it is actually the property line near the preserve areas that concerns Staff, and

not the entire southern boundary. Ms. Deselem agreed, adding that there are homes in that area. Mr. Basinait agreed that the Applicant would include that 20-foot-wide buffer area as part of their development order for those sections.

Ms. Deselem noted that the County's next witness was Elaine Wicks (LCDOT) and that she would address Condition 4. Ms. Deselem asked Ms. Wicks whether she had been accepted as an expert yet? Ms. Wicks declined to request expert witness status at this time.

Ms. Wicks recalled that the Applicant had mentioned that the MCP does not ask for approval to decrease the 50-foot setback from an arterial or a collector roadway for lake excavation. With regard to this issue, she noted that one did not need an actual bona fide deviation under LDC Section 10-329(e)(1)(a)(2). They merely need approval from the Director. The LDC also states that, if protection is provided for wayward traffic by a berm, swales, or vegetation buffer, the setback can be reduced.

Referencing the MCP, Ms. Wicks pointed out Phase 2, which is adjacent to a proposed retention lake and the Buckingham Road right-of-way. The MCP indicates that this area will have a 25-foot-wide buffer consisting of a berm and vegetation on top of the berm. If you measure the distance the lake is shown from the right-of-way, it is shown at 25 feet. The problem is that, several years from now, when the Applicant comes in for a development order or if they sell the property, someone might look at the MCP and mistakenly believe that the project was approved for a reduced setback of 25 feet because it shows a berm and vegetation. Staff is recommending Condition 4 be retained to avoid any confusion as to this setback.

The Hearing Examiner asked Ms. Wicks whether she could address some of the questions regarding Condition 2.a., which refers to the TIS? Ms. Wicks indicated that she couldn't as LCDOT doesn't usually review the Zoning TIS in zoning cases. She would have to refer those questions to Mike Carroll with the Development Services Division. Ms. Deselem indicated that she could try to get the appropriate Staff person, and noted that Mr. Depew had just informed her that Bob Rentz, Development Services Division, was the Staff person who reviewed the TIS for this project.

The Hearing Examiner asked Mr. Basinait whether he needed to cross examine Kim Trebatoski, Environmental Sciences Program, but he indicated that he didn't. The Hearing Examiner noted that Ms. Trebatoski's report is on file (Attachment D to the Staff Report) and that Environmental Sciences Staff had found only one protected species (snowy egrets) on the subject property.

At this time, the Hearing Examiner opened the hearing to public input and instructed the speakers to keep their comments germane to the issue, i.e., how this rezoning was going to affect their property and their lives.

The first speaker was Dr. Sam Watkins, who stated that he lives on the property on the southwest side. At the Hearing Examiner's request, Dr. Watkins pointed out the location of his property on the aerial photograph. The Hearing Examiner noted that he owned a large amount of acreage, to which Dr. Watkins replied that his total acreage is 26 acres. His daughter also owned a 6.6-acre piece of the property in the vicinity of the subject property.

He stated that he was concerned about the density of the project, i.e., the density of the buildings and the density of the population. He is not opposed to the development, just opposed to the density.

The next speaker was Stephanie Keyes, representing the Lee County School District. She recalled that, during the Applicant's presentation, it was noted that the Buckingham Exceptional School is immediately adjacent to the subject property. Prior to this hearing, she met with the Applicant's planner, Mr. Depew. They discussed a number of issues and, subsequently, resolved those issues. The Applicant did agree to increase the buffer adjacent to Buckingham Exceptional School and went to a much denser buffer, which the School District had requested during the sufficiency round.

The Applicant also agreed to the School District's request to have a condition (Condition 5) placed in the Staff Report which would require the Applicant to educate all future residents of the project that the School District has additional acreage at the Buckingham Exceptional School property. Those additional 20 acres are vacant at this time, but that property will be used either for expansion of the school, construction of another type of school facility, or the expansion of the transportation facility. At this time, the transportation facility is expected to remain at this location. The School District wanted to ensure that residents of this project do not come into this area unaware that the east transportation complex will remain. The School District is seeing substantial growth in the east and, as a result, there will probably be an expansion of that transportation facility.

At the request of the Hearing Examiner, Mrs. Keyes referenced the aerial photograph to indicate the location of the Buckingham Exceptional School property and pointed out the bus facility. She noted that the property is a total of 40 acres and, at one time, there were plans for an elementary school at this site. However, the School District is not sure exactly what will be done with the property. They are concerned because they do get the calls from the residents about the school buses leaving at 6:00 a.m. and they want to put future property owners on notice that this will continue.

As Mr. Depew had noted, the School District and the Applicant are trying to work out how to resolve the encroachment problem. It's a technical issue that they believe can be worked out. Other than that, they would just like to ensure that Condition 5, as set out in the Staff Report, was recommended to the BOCC by the Hearing Examiner.

Mr. Depew recalled that Mrs. Keyes had mentioned that they were seeing significant growth in the east. He presumed that this was based on information provided to Mrs. Keyes by personnel at the School District who are responsible for counting these types of things, and that what they were telling Mrs. Keyes was that there is, in fact, significant growth occurring in the eastern part of the county. Mrs. Keyes agreed, adding that eastern Lee County is one of the fastest growing areas with regard to children and the need for new school facilities.

The next speaker, Karen Redmond, stated that she was representing herself and her husband (Robert Harding). They own approximately 20 acres at 4261 Buckingham Road. They have a couple of concerns about the proposed project, the first being the excavation of the retaining lake. Several acres on the back of their property consist of a cypress stand and hardwood forest containing native orchids. They didn't want their forest drying out.

She and her husband moved in six months ago. They specifically bought this property because of the wetland area in the back and they were concerned about the size of this retention pond. There are no specifics on the MCP as to how deep it would be. Something very deep will drain off water from their wetlands. There are some really nice native orchids that they don't want to lose. She and her husband would like to see the environmental study that was done on the excavation of these lakes and how that is going to affect the surrounding wetlands. How deep are these lakes supposed to be? If the excavation is for a 6-foot-deep ditch that's one thing, however, if it is a 15- or 20-foot-deep lake, then it is going to drain water from their property.

The Hearing Examiner noted that there was no such environmental study, as the project wasn't that far along in the process yet. At the request of the Hearing Examiner, Ms. Redmond pointed out the location of her property on the zoning/intergraph map and noted that it is directly south of the preserve area. Referencing the aerial photograph, she indicated the location of her barn and stated that she has a very nice area which she did not want to lose. She and her husband are concerned about that.

According to the Staff Report, there is supposed to be two acres of indigenous area along their mutual border with the proposed development. Mrs. Redmond asked if that area was going to remain or if it would be reduced? She then read a sentence from the memorandum (from Kim Trebatoski, to Kay Deselem, dated 04/06/00; Attachment D to the Staff Report): "The remaining 2 acres of indigenous is a narrow strip along the south property line, and would be difficult to maintain. . . ." She reiterated her question as to whether this mean that this area would remain?

The Hearing Examiner asked Ms. Deselem to indicate that area on the map. Ms. Deselem pointed out the area that she believed Ms. Trebatoski was referring to, in her memorandum. She noted that Mr. Depew had also drawn this in; however, these drawings are only approximate depictions, therefore, you really couldn't tell exactly where the line was.

Ms. Redmond stated that their main concern was about the retention lake. If the lake drains water off the surrounding property then, in five or 10 years, their beautiful hardwood/cypress forest would die. One of the reasons they bought that property is because it is just absolutely beautiful, and it is one of their favorite spots on their property.

Another thing that concerned her was the density of the proposed development. She believed that the development would be too heavily populated for the Buckingham area. There should not be 1,300 residences in such a small area.

She and her husband moved from Lehigh Acres because they had problems with teenagers trespassing. They keep animals on their property and they have had animals killed and things stolen. So they decided to move to a bigger piece of land where they could have privacy and security for their animals.

Currently, they were in the process of developing a herd of Brahmas. These are large animals which can be dangerous. If a teenager should get onto her property, climb into one of the pens and get injured, she could be sued. At her age she does not want another lawsuit. She has to work two jobs to pay for this property and didn't want any problems. In order to prevent

people from intruding onto her property, she would like to see the buffer zone near her property changed from a Type "B" buffer to either a Type "C" or a Type "E" buffer because that would place a block wall between her property and the proposed development. That way, while there may be a certain percentage of teenagers that will scale the wall and come onto her property anyway, a wall will keep out a great percentage of people just wandering around on her property looking for a place to party in the woods on the back of her property. A Type "C," or preferably a Type "E," buffer would give her the privacy and the security for which she originally bought into this piece of property.

Because she has animals on her property that could cause harm to anyone who gets into their enclosures, she feels a wall would prevent her from having any legal problems. Presently, her property is completely fenced in by 4-foot-high hog-wire fencing and all her animals are enclosed. Only a trespasser could be injured. She related a story of a good friend who had to declare bankruptcy because of a lawsuit from a burglar who was injured on their property. She wanted to ensure that she could keep trespassers off her property. She did not want any kind of problems or lawsuits, noting that "good neighbors have good fencing."

Ms. Redmond requested a copy of the minutes of the hearing, so that her husband could know what had been stated at the hearing. The Hearing Examiner explained that a summary of the testimony presented at the hearing would be contained in her recommendation, which would be provided to all hearing participants when it is available. Additionally, copies of the audio tapes from the hearing could be purchased from her secretaries.

Ms. Redmond asked to be informed of any future meetings. The Hearing Examiner advised that Ms. Redmond would be advised of the date when this hearing was scheduled before the BOCC or, of any subsequent Hearing Examiner hearings with regard to this particular request. She explained that adjacent property owners were not notified of meetings between the Applicant and County Staff.

The next person to speak was Kris Cella, residing at 17371 Oak Creek Road in Alva, a community on the fringe of Buckingham. She stated that she is the owner and CEO of Cella and Associates, a planning firm in Lee County, and had previously been recognized by the BOCC as an expert in transportation planning. She noted, however, that she would be speaking to other issues, and did not wish to be recognized as an expert for the instant case. She thanked Mr. Basinait and Mr. Depew for meeting with some of the east Lee County residents the previous day at Mr. Basinait's office; however, she felt it was "too little, too late."

Ms. Cella stated that the developers of Hawk's Haven had come to their community to speak with the Lee County Civic Association and the other homeowners' associations, and had discussed their plans for developing Hawk's Haven. They had accepted input from the residents, and resolved many of the issues that the residents had with this project - prior to the rezoning hearing. She noted that this was the reason the residents had asked for a postponement in the hearing today.

She stated that first she would address the density issue. While this project is outside the Buckingham Rural Community Preserve Area, it is adjacent to and directly north of the Area. This Preserve Area is intended to preserve the rural area and its characteristics, with one dwelling per acre the maximum allowed density. This project does not allow for any transition

toward the commercial corridor of S.R. 80 for that type of density, particularly in the Suburban land use category, which is the Buckingham side of this development. While there is an area in the back that is designated as Rural, the development of this 375-acre property with 1,320 units is much too intense for the developing pattern of the area. Hawk's Haven is developing 1,500 units on 1,800 acres, which is density slightly less than one unit per acre. Bonita Bay has represented to the community, and in the newspapers, that they intend to have a similar density, i.e., one unit per acre on their 1,500 acres; whereas, the development in the instant case is seeking a density of approximately four units per acre.

In addition, as Mr. Depew stated earlier, the Applicant intends on developing the front of the property first. There is also a possibility that the project may be developed with all single-family residential. Yet, the Applicant's TIS has evaluated multi-family along with single-family. The trips for multi-family are far less than for a single-family development. Therefore, the TIS doesn't indicate what the true trip generation is, if, in fact, this developer is intending on building this project entirely as a single-family development.

Furthermore, there are no plans for the widening of Buckingham Road on Lee County's Long-Range Transportation Plan. However, it is apparent that they are looking at that with the commitments of the additional developments in the surrounding area. She would submit then that the infrastructure is not available for a development of this intensity. In addition, Mr. Depew's report states that there is no potable water available to the site right now. She would like to know where that water is coming from and from how far away. Ms. Cella stated that she may not have understood clearly the level of service issue on Buckingham Road, with the trips to be generated, but she would let that go.

Another thing that she wished to address is that this 375-acre development with 1,320 units is being submitted by a developer from Miami who is also submitting an application for a 75-acre development called Buckingham Gardens with a proposed 300 units. These two developments are less than a quarter of a mile away from each other. Together they constitute 1,620 units on 400 acres.

Mr. Basinait objected to Ms. Cella's statement, noting that it had no relevance to the Applicant's request in the instant case. The Hearing Examiner observed that Ms. Cella was trying to make a point about the intensity of the traffic resulting from the two developments and that she would, therefore, accept Ms. Cella's comments as a statement of her concern that there would be too much traffic.

Ms. Cella agreed, adding that the combination of the two developments, with multi-family units in both developments, under the same developer, could constitute a Development of Regional Impact (DRI). She had spoken with staff at the Southwest Florida Regional Planning Council (SWFRPC), who advised that such things as the proximity of these two developments to each other, the number of similar type units that share the same infrastructure and the same marketing would be factors in a DRI.

Mr. Basinait objected, stating that Ms. Cella had obviously misrepresented the facts to the SWFRPC. He stated that he found that a bit distasteful and was surprised she would do that. The two projects did not have common infrastructure, and did not have common marketing;

they had none of those things. He stated that he was somewhat aggravated by her attempt to join two projects that are not the same project. They do have the same developer, but he could not see what that had to do with this particular request.

Ms. Cella stated that the number of units for trip generation on these two projects was going to impact the infrastructure of Buckingham Road far beyond its current capacity. Mr. Basinait inquired whether Ms. Cella was a traffic engineer? Ms. Cella wanted another TIS prepared if the developer was going to develop the site with just single-family residential uses, as the traffic generation would be much different from what has been proposed and submitted in the zoning TIS.

The Hearing Examiner noted that the Applicant has offered a condition that would limit this development to the number of trips stated in their TIS. Whether this development is all single-family or a mixture of multi-family, zero-lot-line and single-family, that number would be the ceiling and they could not go above that.

Ms. Cella asked how many trips that would be and how many single-family units? Mr. Depew replied that they are limited to 8,769 trips and 1,320 units overall. If they did single-family totally, they couldn't break that ceiling. An unidentified man stated "you couldn't fit 1,320 units on that site."

Mr. Depew stated that his point is that there are a number of different restrictions, all of which would be contained in any approval of this project. It wouldn't only be the trip generation; it would be total number of units.

Ms. Cella commented that current and future development patterns in east Lee County are not compatible with a density of four units per acre. Hawk's Haven is coming in at basically one unit per acre. Bonita Bay, across the street, is doing the same. The infrastructure and the employment base are not there to support that type of multi-family development proposed for the Suburban section of the subject property. The East Fort Myers community is not anti-development, by any means, but they are looking to work with the developers in the area. Hawk's Haven got the community's support after addressing their issues. They hope to have the same opportunity on this project.

Mr. Basinait noted that Ms. Cella mentioned Hawk's Haven and asked whether she was aware that they requested 1,598 units on that site? Ms. Cella replied, "yes," adding that they had 1,800 acres. Mr. Basinait asked whether she is aware of the DRI threshold in Lee County? Ms. Cella replied, "absolutely." Mr. Basinait asked, "what is that threshold?" Ms. Cella stated that it was 1,600. Mr. Basinait inquired whether she thought it was convenient that Hawk's Haven chose 1,598 units, and Ms. Cella replied that it wasn't surprising at all.

Mr. Basinait noted that Ms. Cella had stated that Bonita Bay has indicated to her that they were looking at developing one unit per acre. Ms. Cella responded that there had been an article in the newspaper reporting that information. Mr. Basinait asked whether or not Ms. Cella had actually talked to representatives for Bonita Bay? Ms. Cella stated that she had. Mr. Basinait asked whether they had filed anything with the County, at this point? Ms. Cella replied, "no," and agreed that they could come in with something totally different from what they had represented.

Mr. Basinait asked Ms. Cella if she is a traffic engineer? Ms. Cella replied that she wasn't, but she was a transportation planner. Mr. Basinait asked whether she had read the Staff Report and the memos attached to the Staff Report? Ms. Cella replied that she had read them. Mr. Basinait asked if she was then aware, with the background traffic and the traffic that is estimated to be generated by this project, that at no time will Buckingham Road go below LOS "D?" Ms. Cella replied that was what was stated in the report. However, she did not see an evaluation of S.R. 80 and, since it is a Florida Intrastate Highway on the Highway System, they are held to a higher standard. She felt that evaluation is also very important.

Mr. Basinait recalled Ms. Cella's statement that she didn't believe the employment base is there to support this particular development, and asked her if she had any particular expertise in that area? Ms. Cella replied that this was her personal opinion based on the fact that there are mostly just "mom and pop" business operations in that area.

The next speaker was Michael G. Rippe, a resident of 13140 Bird Road, which is located approximately one mile to the west of the subject parcel. He stated that he first wished to address the issue of compatibility. He felt that Ms. Cella had done a good job of showing that a density of four units per acre wasn't compatible with any of the surrounding development. He referred to page 10 of the Staff Report and read the last sentence at the bottom of that page into the record: "Additionally, multi-family uses along the south and western property lines would be incompatible with the existing and allowable single family uses on the parcels to the south of this project."

He concluded that the Staff Report does then state that this proposal is not compatible with the surrounding land uses. While his house is not within the Buckingham Rural Community Preserve Area, it is within "rock-throwing distance." His property was at the one-acre threshold, as are most of the other properties in this area, even though they might not be within the Buckingham Rural Community Preserve Area.

Going back to the issue of density, as Ms. Cella stated, Hawk's Haven is looking at a density which is less than sub-DRI threshold of 1,598 units on their 1,800 acres. By doing some simple division, that comes to about one dwelling per acre, plus or minus, which is much more compatible than the 3.69, or approximately four units per acre, as proposed by the Applicant.

He noted that it might have been Ms. Wicks that addressed the 50-foot setback versus the 25-foot setback on Buckingham Road and he hoped that the County would stay with the 50-foot setback.

He believed that Ms. Cella had also hit on something when she talked about there being no major employment centers in the area. When you are talking about this type of density, the question arises "where are these folks going to work?"

He noted that Item 3. under "Findings and Conclusions" (page 6 of the Staff Report) states:

Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

The last paragraph under "Transportation Issues" states:

The applicant has proposed to reduce the setbacks of the lake excavations adjacent to the Buckingham Rd. right-of-way to 25 feet, as per LDC Section 10-329(e)(1)a.2. However, the Lee County Department of Transportation (LCDOT) is anticipating the proposed acquisition of additional right-of-way in the vicinity of the subject development for the widening of Buckingham Rd. Therefore, the "standard" lake excavation setback of 50 feet from the existing right-of-way line should be maintained.

This is incompatible because the Report states, in one section, that there is the capacity to carry the traffic generated by the development, but, in another section, it states that they are going to look into obtaining additional right-of-way. His understanding is that the multi-laning of Buckingham Road in this area is not part of the County's long range plans. Therefore, he can see a difference of opinion even in the Staff Report. While it says that there is no impact, it also speaks to the multi-laning of the facility. The Hearing Examiner stated that she would have Ms. Wicks address this further. Mr. Rippe reiterated that this level of density is not acceptable for this community.

He was surprised to discover that the Applicant met only yesterday with the civic and community organizations of this area. He hoped that there could be some type of early and often coordination so that a lot of these issues could be worked out earlier in the future. He has urged the County to develop some type of future land use plan for the east Lee County area, other than that which is now set forth in the Lee Plan. He did not doubt that this area was going to experience the type of growth that has occurred in the Bonita Springs and Estero areas. The area where the subject property is located consists entirely of agricultural pasture land which is much easier to develop than wooded areas. He would like to see some sort of plan to address a lot of these issues up front instead having spot zoning on a case-by-case basis. That results in people having to take time off from their jobs to attend. He felt that the existence of a more detailed plan would result in a lot fewer problems.

The Hearing Examiner asked whether there was a board that would consider Mr. Rippe's request? Mrs. Lehnert stated that he could go to the Local Planning Agency (LPA). He could also appear at the BOCC meeting and speak during the open forum for public comment. He could then make his pitch with respect to what is occurring in the area and the need for a committee to address this. Staff really needs BOCC direction because, even if LPA listened to what Mr. Rippe had to say, Staff doesn't have the power to act. The Hearing Examiner agreed, noting that there was also really nothing she could do at this point with respect to his suggestions. She asked Ms. Wicks if she could answer the other questions.

Ms. Wicks referred to the location of the Buckingham Garden Apartment site and referenced the meeting with the Hawk's Haven developer, which had been reported in the newspaper. She explained that the extension of Daniels Parkway is proposed to tie into S.R. 82, which in turn connects with Buckingham Road. It is anticipated that Buckingham Road will eventually be a north-south collector for all this traffic. These are all things that LCDOT is becoming aware of. She agreed with Mr. Rippe that this wasn't in the 2020 plan, however, none of this development was proposed when LCDOT was developing the 2020 plan. She then referred to various units and areas, and explained that LCDOT is starting to look at what the impacts

to Buckingham Road will be. Currently, they do not have a plan; however, instead of being "behind the eight ball," they are trying to get in front of it. She referred to another development in which LCDOT asked for some right-of-way. LCDOT had explained to the developer that they didn't have any funds at this time to pay for right-of-way. The Applicant's plan does not show any right-of-way and she didn't believe they were asking for impact fee credits. LCDOT would rather coordinate with them up front and try to get additional right-of-way to minimize any impacts.

The Hearing Examiner said that meant that the statement that is in the Staff Report involves more of an anticipatory situation. LCDOT is aware that there will be an impact if all of this gets approved and is developed. And, once it ties in with some of these other streets to the south, there will be more people heading north from the south end, and south from the north end, which is something that LCDOT can't totally ignore. Right now, however, the need is not there and they will not see the need until some of this development starts happening.

Ms. Wicks concurred. The Future Trafficways Map does show this as a major collector requiring 150 feet of right-of-way. LCDOT talked to the Applicant, who informed them that there is only 60 feet of existing right-of-way in the front of the subject property, which is the reason she wants to make sure that the 50-foot setback is there. The Hearing Examiner asked whether that meant that, until all of this other development happens, LCDOT sees this project as an overburdening of the roadway and not meeting the third finding that Staff has set out in the Staff Report? Ms. Wicks advised she could not answer that question.

Mr. Basinait referred to Mr. Rippe's reference to the provision of an alleged incompatibility with multi-family uses and asked him if he also reviewed Conditions 7 and 8 of the Staff Report which speak to a 150-foot setback in Phase 1 for multi-family uses? He asked if he also looked at the condition which requires a 100-foot setback along the south property line for all uses? Has he also examined Condition 7 or 8 that talks about a 20-foot-wide buffer in those areas? Mr. Rippe responded that he had. Mr. Basinait pointed out that, if he was to read further on in the Staff Report, he would discover that what it's really saying is that without those things they think there's some concern regarding compatibility, however, with those conditions added the development would be compatible. Mr. Rippe stated that was only Staff's opinion; not his. He concurred with Mr. Basinait that he had stated that Hawk's Haven had a density of about one unit per acre. Mr. Basinait asked Mr. Rippe if he was aware that, of the approximate 1,800 acres in Hawk's Haven, more than 1,700 acres are in the Rural land use category? Mr. Rippe explained that he was just speaking of the overall acreage versus the overall allowable number of units. He concurred with Mr. Basinait that he is aware that the maximum density allowed in the Rural land use category is one unit per acre.

Robert Huston, another resident of the area, stated that he was opposed to the request. This is the second time he has lived in Buckingham. The first time he lived in Buckingham it was Buckingham, Illinois, in a rural community, where he helped farm. This time he chose to live in Buckingham, Florida because he knew what the development in the area was like. He lived off Cemetery Road, and was familiar with the Meloy's hayfield, the Hunter property, the Carter property, etc.

One of his concerns regards the 8,572 trips that were mentioned. His son-in-law witnessed a gruesome death on Buckingham Road. He asked if there was any estimate as to the

amount of traffic that will be going south on Buckingham Road from the development with respect to the 8,572 trips? The Hearing Examiner asked whether the TIS included a distribution of impacts, and one of the Applicant's representatives indicated that it did.

Mr. Huston explained that this was the first time he has participated in a hearing such as this and he wasn't familiar with the procedures. He was, however, very concerned with traffic. He envisioned that, some time in the future, Buckingham Road would be straightened. The only way this could occur was to condemn the land, which means that life-time families are going to lose their property for the sake of development. He is very opposed to this.

He is also very concerned with all of the "mom and pop" establishments in this area. He didn't not want to see "Blockbusters" come to this area, or any more Eckerd Drug Stores, other than the one that is already there. He doesn't want to see big businesses come in and take over, including establishments such as the Olive Garden Restaurant, etc. He liked the "Video Unlimited," a "mom and pop" establishment that is there. He also liked "Huckle Buck's," another "mom and pop" establishment. He moved to this area because it is a family-oriented community where everyone supports each other's businesses.

He asked if it was correct that no environmental study has been done, and Mr. Basinait explained that an environmental analysis was required because of the preserve areas. Mr. Basinait concurred with Mr. Huston that this meant that, other than this study, no other studies had been done with respect to the kinds of impacts that are going to occur to the environment.

Mr. Huston referred to the Hearing Examiner's earlier comment about one endangered species having been found on the site, and asked what other types of species were found? The Hearing Examiner stated that the endangered species was a snowy egret, and noted that the Staff Report does not indicate that there were no other species found. She explained that when an environmental assessment is done, they are looking for specific species of plants and animals that are considered endangered or threatened. This is required by the County's regulations, and also by State Statutes. The Staff Report will set out which, if any, endangered or threatened species were found; it will not necessarily list other species.

Mr. Huston apologized to Mr. Depew for a statement that he made prior to the hearing in which he stated that Mr. Depew was planning to destroy the area. He understood what development is all about. Most of the people in Buckingham are not opposed to development; they just want controlled development. He was appearing on behalf of a number of families and friends, some of whom are fourth and fifth generation in this area. His wife is a member of the Flint family who has been in Florida "forever," and he was present to voice his concerns because they won't or they can't.

If the plan is to develop 1-acre, 5-acre, or 10-acre estates, that was one thing. If, however, it was to build tri-level condominium complexes in their back yards, that's another thing. They would be opposed to this type of development because that would take away the very reason that Buckingham was established in the first place. It was supposed to be a rural community. While his property is on a quarter-acre of land, it is also on a canal. He would, therefore, question how long it's going to take for the water in that canal to disappear with this additional development? He would also question how that is going to affect his well? Is he going to have dig a deeper well in two or three years? If this is allowed to be built, then more will be built,

and the concern is, where will all this water come from - which aquifer? The point is that there are a lot of questions that can't be answered today. It involves a lot of "what ifs" and suppositions, so he would question when the final plan is going to be put together so they can stand up and speak against the development? He felt that they should have the opportunity to voice their concerns as part of their right to freedom of speech.

The Hearing Examiner explained that this process was as detailed as it was going to be, noting that, when the issue went before the BOCC, it would be in a similar format. If approved, the remaining review processes would be "in-house," and there wouldn't be any public hearings. There were also no public hearings on development orders. The process the public was in was "the" process for them to speak their concerns. Mr. Huston noted that this meant that this was their only opportunity to voice their concerns. Mrs. Lehnert explained that there is one other opportunity, but that is very difficult to exercise. This process involves being very vigilant about what development orders are issued, tracking a particular development, and then, within 30 days of a development order being issued, filing a Verified Complaint with respect to that development order. It is an extremely difficult avenue, and their only other avenue.

Mr. Huston stated that he is a labor leader and, as such, has faced some very difficult challenges, therefore, he was willing to take this one on as well, that is, as long as he could get some direction. Mrs. Lehnert offered to speak to Mr. Huston after the hearing. Mr. Huston concluded his presentation, stating that he could not help but believe that the decisions have already been made and that, whatever is going to happen, is going to happen, no matter the public says. He had seen this happen time and time again in this County. He had, however, never been through this process and would apologize for his ignorance, as he is not an environmental or traffic specialist; he is a citizen who cares about his family. He would urge the Hearing Examiner to recommend against this development because Buckingham is a rural community. It's not a condominium association.

He confirmed for Mr. Basinait that he lived on a quarter-acre lot, adding that he also owns the quarter-acre lot next to it.

Warren Bleckley, President of the Fort Myers Civic Association in East Lee County, stated that he was opposed to any approval of the Buckingham 320 zoning change. The requested density is not in keeping with the Buckingham and Riverdale areas. The plans that have been provided are extremely vague and do not show the intent or the planned character of the development. The residents have requested an explanation, which remains unanswered. The fact that the same developer has submitted a second development plan with even higher densities adds to his fears.

The second project, Buckingham Gardens, has been submitted as rental apartments. Any approval of the Buckingham 320 project could result in additional apartments. What impact would a sludge pit have on the economical viability of the project, and what is the developer's intent? The people of East Lee County are working hard to reduce the plight, and feel that approval of this project, as presented, could result in the failure of the community. It could also add to the economic blight in the area. He added that the area of their Association is just north

of the Riverdale High School, across S.R. 80, and takes up quite an area. If one really wanted to see what duplexes do to an area he would suggest that the Hearing Examiner look at First Street, at S.R. 31, and drive all the way along Buckingham Road and Olga Road.

Barbara Ware stated that she is the owner of Barbara Ware Realty which has been located in East Fort Myers for 21 years. She was present as a resident of the Buckingham area for 25 years. She was also representing Susan May, and read a letter from Ms. May into the record [see Section VIII. Other Participants and Submittals, subsection B.2 (Against)]. Ms. May is the manager of a school cafeteria and several of her employees were out sick, therefore, she could not attend the hearing.

Ms. Ware stated that she also wished to speak on her own behalf. She has worked in East Lee County for more than 25 years with the many civic organizations trying to improve the area. The people of East Lee County, in Buckingham, have waited and worked hard waiting for the time to come to improve their area through many projects. Everyone was excited with Hawk's Haven and Bonita Bay coming to their area. The anticipation of another new development increased their excitement, until they learned that this project would drastically change the beauty of the Buckingham Rural Community Preserve Area, which must be developed at a density of no more than one unit per acre. Approval of the request would result in 800 multi-family units, 400 zero-lot-line units, and only 120 single-family units at their front door. The same developer is also asking for 300 multi-family units within less than a quarter mile. Her understanding is that there are to be 75 buildings with 4-unit apartments.

Mr. Basinait objected to Ms. Ware's references to the Buckingham Gardens project, noting that it had not yet appeared before the Hearing Examiner and might not. That project wasn't relevant to the instant case, and he would object to that information being placed on the record. The Hearing Examiner asked Ms. Ware to refrain from mentioning anything else about the "other project." She understood what the residents' concerns were, however, she could only consider the project before her. If or when this other project came forward for hearing, the residents would have an opportunity to comment on it at that time. Approval or denial of the instant case would not affect what might happen on this other parcel. Each project must stand on its own, and be reviewed on its own merits; therefore, comments pertaining to the other project were irrelevant. She asked that other speakers also keep their comments germane to the instant case.

Ms. Ware continued that, from her experience as a Realtor, she knew that many of these units, possibly as many as 50 percent of them, would become rental units and, as such, they would deteriorate the area. The subject property is next to the Buckingham Rural Community Preserve Area. There are not enough jobs in this area for the people who live here now. There is also the possibility that the sewer lines will not carry the density. This is something she would like to have checked because she has been told that the sewer lines will not carry this many units. Also, the community groups were not notified.

Buckingham Road, from S.R. 80 to Orange River Boulevard, is one of the highest accident rated roads around. Yet this development will empty out onto this 2-laned road. Even if they widen Buckingham Road in the area, it will not be widened in the area of the Buckingham

Rural Community Preserve Area. She asked if it was correct that this meant there was going to be a 4-laned road that is going to turn into a 2-laned road? The Hearing Examiner stated that nothing has been decided on that yet.

Ms. Ware continued that they were told that nothing could be changed in the area of the Buckingham Rural Community Preserve Area, including the road, which is why they are upset. If it is ever widened to four lanes, two more lanes in this area will result in major impacts. She had worked hard toward getting a traffic light placed at the corner of Orange River Boulevard and Buckingham Road. It required traffic counts to be done on several different occasions, including during the summer. There is a high school at either end of Buckingham Road and the traffic is immense when school is in session with all of the school buses, etc. Additional traffic on this road would only result in more accidents. Every day she hears sirens along Buckingham Road. She feels that the County should also check into the number of accidents that have occurred along that road.

The proposed high-density, multi-family project is to consist of very few amenities for children, if any, that is, other than the clubhouse. Referring to the aerial photograph, she pointed out the location of the airstrip, and explained that, to be contiguous with the Buckingham area, it would make much more sense if this was some type of an air park with less density since there is an airstrip already there. This, she feels, would bring nicer homes to this area instead of the apartments that are proposed.

It was also stated that there are to be 4-bedroom/2½-bath homes that would range in price from \$129,000 down. Only 120 homes are proposed, however, the majority of the development is to be multi-family, and so she would question what the price range of these multi-family units are going to be? Is it something that would lead the area to slums? Mr. Basinait stated that they didn't know the answer to that question at this time. Ms. Ware urged the Hearing Examiner consider this, noting that the residents have tried to preserve the Buckingham area for years. Since this is going to be a front door to Buckingham, they would ask that the Hearing Examiner stay with what the Buckingham Rural Community Preserve Area is for.

Mr. Basinait referred to Ms. Ware's comment that she had been told by someone that the sewer lines would not carry the density planned for the project, and asked if she was aware that the Staff Report indicates that there is sufficient sewer capacity? Ms. Ware responded, "no." At a meeting that was held yesterday, however, Mr. Davis stated that he did work on that project and that he was very concerned that it would not carry that large of a density. Mr. Basinait again asked Ms. Ware if she was aware that both the Staff Report, and Mr. Depew's testimony, indicate that there is sufficient capacity? Ms. Ware responded, "no." She would, however, suggest that the Applicant review this issue again.

Mr. Basinait referred to her comments regarding the accident rate on Buckingham Road and asked if that was her personal opinion? Ms. Ware responded that it wasn't. She explained that she obtained some of that information from an expert by the name of Mike Rippe. She also lives along this road and sees the accidents that happen every day. Mr. Basinait asked whether she actually counted that in comparison to other roads in the County? Ms. Ware responded, "yes." She stated that she could also see what occurs by what is reported on the television, but she sees what occurs herself every morning on her way to work.

After a brief recess, Mike Roeder stated that he was present as a member of the East Lee County Council Civic Association, noting that he was chairman of their Planning and Permitting Subcommittee. He stated that he had also been a representative for the Hawk's Haven development and could, therefore, answer any questions that might arise with respect to that development.

The East Lee County Council Civic Association really does not have an opinion on this case. When he spoke to their members, they informed him that the reason they didn't have an opinion was because the plans appeared to be fairly vague and unrealistic, and they felt that, when it was finally developed, it would probably sort itself out. Nonetheless, they didn't want to appear to be coming in and objecting to a neighbor's property on something they did not have an opinion on. The East Lee County Council is, however, very concerned because of the vagueness of the plan, which is a "bubble plan." He wasn't saying that a bubble plan is a bad idea, as they can be very useful, but what everyone has learned is, if the public doesn't share their concerns with the Hearing Examiner in this public hearing, then it's all over. They have to let the Hearing Examiner know what concerns them so that the Applicant or the Hearing Examiner, and the BOCC, will take notice and give the proper response. They are here to let the Hearing Examiner know about their concerns, the first of which involves density.

Density is something he wanted to put in a little different context because of something that Mr. Depew had mentioned very briefly in his zoning analysis, but which he did not address during his testimony. It is also something that Staff mentioned very briefly but failed to analyze the implications of in their Staff Report. Along the south boundary of the subject property is the Buckingham Rural Community Preserve Area, a very distinctive land use category of the Lee Plan. It's a sector plan, which was mentioned might be needed for the subject property and immediate area, which lies just to the north of the Buckingham Rural Community Preserve Area. This Preserve Area is addressed in Policy 1.4.3 of the Lee Plan, which states:

The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not intended to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in this plan based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance 91-19) (Amended by Ordinance No. 94-30)

This land use category requires a minimum lot size of one acre, not 1-acre lots as averaged over the entire property. Each lot must be a full acre.

At the request of the Hearing Examiner, Mr. Roeder showed the Hearing Examiner where the actual boundary of the Buckingham segment of the plan was located. It involves an area which he feels didn't receive sufficient attention because it's not just Rural, but rather Rural Community Preserve. Everyone has heard mention of the four units per acre, but that's four units per acre on this property spread over the entire 320 acres. In actuality, however, in the suburban portion, it's virtually six units per acre, which is the very maximum of the density of the Suburban land use category. He believed that, if they had it to do over again, they would recommend that there be some transition from the Buckingham Rural Community Preserve Area to more intense categories, and certainly, right next to that he would have outlined Outlying Suburban perhaps with a maximum of three units per acre. To put six units per acre right on the edge of this seems to be out of character with the area.

Referring to the issue of compatibility with respect to those properties about the single-family homes to the south, he would agree that Staff has done a good job to provide for buffers and setbacks to deal with this issue. There is, however, a larger compatibility issue and that involves whether it's appropriate to have apartments next door to property in the Preserve Area. There are portions of the bubble plan that allow up to nine units per acre just to achieve that density. Part of the problem the community is having is that they are not sure what they are getting. As Mr. Depew stated, they think they want to do single-family homes for the middle class market as their first preference, however, if that doesn't work then they want to be able to build apartments or whatever else on the site to fill it up to make the money to pay for the cost of the land. This isn't the proper way to do zoning and/or land use planning since that would be putting the cart before the horse. In looking at the site plan they said that the first units that are to be developed would be single-family in the front, however, the list of uses on the pod does not include single-family, in the front portion - in Phases 1 through 6. The only single-family uses that are shown on the site plan are in Phase 7 and 8, however, the site plan doesn't even seem to permit that. Overall, they just don't know what's happening here.

Staff also mentioned that the recommendation for the mix of units was based on the traffic study - 800 multi-family, 400 zero-lot-line, and 120 single-family. The traffic study that was in the file as of last week depicted all single-family. He now sees that there is a new plan that does reflect the 800 multi-family, the 400 zero-lot-line, and the 120 single-family as it is shown in the Staff Report, and so that makes sense now. Nonetheless, the general public is going to see a plan that says 1,320 units. It isn't clear what is occurring here.

The Hearing Examiner questioned what the average daily trips for 1,320 single-family units would be. Mr. Depew interjected that is not a correct traffic study; that was supplemented by a later traffic study that was done that reflects a date of January 2000. The Hearing Examiner stated that she was aware of that, and stated that a question came up earlier that if this was to be developed with 1,320 single-family uses, what the average daily traffic would be? Mr. Roeder responded, "11,132 trips."

Mr. Roeder continued that the problem with this bubble plan was that it is "so bubbly" that it was "about to take off into the air." There's no getting handle on it and so there's no telling what will happen. He believes that it also fails Policy 2.2.1 with respect to general

compatibility. He wouldn't speak to it being in violation of Policy 5.1.5 as it is fairly insulated and not within an existing neighborhood. Policy 2.2.1, however, speaks about the general compatibility area. When one looks at the general patterns of Buckingham, which, by far consists mostly of single-family uses, especially the character and density to the south, he feels that it doesn't pass the compatibility test.

Mr. Roeder referenced page 2 of the Applicant's Narrative attached to the Staff Report (Attachment B), specifically the statement "A Lee County Utilities 10" force main is located adjacent to the project in the Buckingham Road, however potable water service is not available." He noted that Mr. Depew had indicated during his presentation that there was nearby water service. When you look at the Staff Report, there is no discussion concerning water service availability, and there is no finding of consistency with Policy 2.2.1. There is only a general finding that adequate facilities and services are available, but without any specific discussion or analysis. Mr. Roeder asserted that, based Mr. Depew's statement and on the comments contained in the Narrative, but with no analysis by Staff, one cannot come to the conclusion that there is adequate water. He noted that Staff had not recommended any condition in that regard. This is an important element under Policy 2.2.1 and Standard 11.1, but the site plan provided by the Applicant has not shown it. They can talk about extending the line, but information relating to this is not contained in the record. Based on this, he did not believe that Staff or the community had a good picture of what is being proposed.

The biggest concern is the density. According to the traffic study and the Staff Report, they could have up to 800 apartments. They are being told that this isn't likely; it is only the worst-case scenario. However, because this is a bubble plan, the Staff and the public have to respond to the worst-case scenario, or "forever hold our peace." He believed that, if this project is going to be approved, then the density needed to be reduced very significantly. Otherwise, it wasn't going to be compatible with the neighborhood.

Mr. Basinait indicated that he had several questions for Mr. Roeder. He noted that Mr. Roeder had read Lee Plan Policy 1.4.3 into the record, and that this Policy describes Rural Community Preserve areas. He asked Mr. Roeder whether this Policy referenced "adjacent properties"? Mr. Roeder replied "no."

Mr. Basinait noted that Mr. Roeder had also referenced a 6-unit-per-acre density along the south property line, and Mr. Roeder indicated that what he had stated was that the Suburban category allowed up to six units per acre. Mr. Basinait commented "good," and then suggested that they get into specifics, instead of taking something out of context (noting that he was sure Mr. Roeder had not intended to do this). He suggested that they talk about the actual density along the south property line. He offered that Mr. Roeder could look at the MCP, if that would help. Mr. Roeder commented that he was aware that one unit per acre is allowed in the Rural category. Mr. Basinait referred to the MCP and the aerial photograph, noting the approximate location of the dividing line between the Suburban and Rural categories. Mr. Roeder agreed that this was the approximate location of this dividing line. Mr. Basinait asked about everything east of this line and whether the allowed density was one unit per acre? Mr. Roeder indicated that was correct. Mr. Basinait asked whether, in Mr. Roeder's opinion, this would be consistent with the Buckingham area, and Mr. Roeder replied "yes."

Mr. Basinait asked if it was also true that the MCP indicates a 100-foot-wide lake along the southern property line, and Mr. Roeder agreed. Mr. Basinait asked if it was also true that, in the southwest corner of the parcel and adjacent to the Rural Community Preserve Area, the MCP depicted a preserve area and that no units were proposed? Mr. Roeder stated that this was also correct. Mr. Basinait pointed out another area, indicating that it was in the Suburban land use category. Mr. Roeder indicated that this was correct. Mr. Basinait asked if this area was shown on the MCP at 22 acres and 88 units, which equates to four units per acre, and Mr. Roeder stated that this was correct. Mr. Basinait referenced another lake in this same area with a 100-foot setback, and a 20-foot-wide buffer. Mr. Roeder agreed that this was correct as well.

Mr. Roeder noted that Mr. Basinait had missed the point he (Roeder) was making, and Mr. Basinait stated that he must have. Mr. Roeder explained that it wasn't adequate to just look at where the properties abut one another and whether there is an adequate buffer. It was also important to look at the nature of the entire land use within the 320 acres, and the proposal for high-density apartments just up the road from the Buckingham Rural Community Preserve. This is part of a compatibility analysis.

Mr. Basinait observed that Mr. Roeder had mentioned some traffic numbers, and that these numbers had come from a traffic study which has been replaced. Mr. Roeder indicated that he had been responding to a question by the Hearing Examiner when he provided that information.

The Hearing Examiner asked if it was correct that, further north on Buckingham Road, there was a single-family residential subdivision, and Mr. Roeder responded that Riverdale Shores and Buckingham Reserve were to the north. The Hearing Examiner asked for the density of these two subdivisions, and Mr. Roeder estimated that the range was probably four to five units per acre. He added that, for single-family subdivisions, they were fairly dense. They were about as dense as you usually get for single-family. The homes were very modest on modest lots.

The Hearing Examiner asked how far away these two subdivisions were from the subject property, i.e., a mile, two miles? It was estimated that they were about a mile away. Mr. Roeder referenced Map A to the Staff Report, noting that they were depicted on that exhibit. Mr. Depew stated that he didn't believe they were a mile away, and Mr. Roeder noted that it was a mile and a half to the intersection [Buckingham Road/S.R. 80]. Mr. Depew pointed out that these subdivisions were south of the intersection. Mr. Roeder stated that it would depend from where it was measured. The Hearing Examiner referenced Map A, and the locations of these two adjacent subdivisions were pointed out, and asked if it was correct that these two subdivisions were well outside the Buckingham Rural Community Preserve Area. Mr. Roeder stated that they were a good mile from this Preserve Area, while an unidentified member of the public indicated that it was three miles, which was disputed by Mr. Basinait.

Mr. Roeder stated that, in general, he would suggest that the higher density would make sense closer to the S.R. 80/Buckingham Road intersection. If they were going to have six units per acre, it should be closer to this intersection and the commercial areas.

Mitch Howard noted that he resided on Skates Circle, and pointed out the location of his house on the aerial photograph. He asked the Applicant what type of development would be located behind his house, and Mr. Basinait stated that it would be single-family residential at one unit per acre. Mr. Howard asked what would be located between his property and those homes? Mr. Basinait replied that there would be a lake (shown on the plan along the south boundary), and a 20-foot-wide vegetative buffer. Mr. Howard questioned whether the water feature would be a small stream and Mr. Basinait explained that it would be a 100-foot-wide lake. In response to another question, he indicated that he did not know how deep the lake would be. Referencing the map exhibits, Mr. Basinait pointed out the location of the preserve area, and indicated that this lake would begin at that point and then run across the southern boundary to the eastern boundary. He pointed out the location of the 20-foot-wide vegetated buffer which would run across this entire length.

Mr. Howard wondered what was going to be done about the artesian well on the subject property, to which it was explained that it would be capped. Mr. Howard questioned whether he could still keep hogs on the back of his property, and not bother anyone? Would his property remain zoned agriculturally? He indicated he was concerned that this would change the designation on his property. The Hearing Examiner explained that the instant rezoning would not affect the zoning district on Mr. Howard's property. In response to a question by the Hearing Examiner, Mr. Howard indicated that he had a 5-acre parcel. He referenced the aerial photograph, noting that the cleared strip was 2½ acres, and the parcel to the side was also 2½ acres. Mr. Howard commented that he believed the Applicant should place only one house per acre on the entire site, to make it look better.

Mr. Basinait indicated that Ms. Deselem had just advised him that, along the southern boundary, some of the buffer was 15 feet wide, and not 20 feet wide. The 20-foot-wide portion was in the area closer to Buckingham Road.

Joseph James stated that he resided on Drawdy Road, and pointed out the general location of his residence. The Hearing Examiner noted that it was north of the subject property, and Mr. James indicated that was correct. Mr. James pointed out that he had "concrete dust on his boots" and that he wasn't anti-development. He was aware that something would be happening in this area, but he was concerned with the density of this project. They live in the Buckingham area because they like to see trees in their skyline and not 3-story buildings. He was also concerned with the traffic on Buckingham Road. He had lived in this area about 15 years, and had a 10-acre parcel. He stated that he wasn't a traffic expert and that he is a very safe driver. He referred to the curve just to the south of the proposed development, and indicated that he even lost control one day on that curve on wet pavement. If the Applicant would only put in one house per acre, this wouldn't be too bad; however, he just could not see 3-story buildings.

Andy DeSalvo explained that he was appearing on behalf of the Hunter Family, the owners of 585 acres immediately to the north of, and somewhat to the east of, the subject property. He indicated that he had several questions to ask of the Applicant. He questioned whether they had an estimated start date for the development? He had not heard any mentioned, and was assuming there wasn't one. Mr. Basinait estimated that development would probably begin shortly after the first of the year. Mr. DeSalvo asked if he meant January 2001, and Mr. Basinait indicated that was correct. He explained that they would need this time to get all their

permits, etc. Mr. DeSalvo observed that the length of buildout was proposed to be between five and 10 years, and Mr. Basinait confirmed that it was anticipated to be somewhere in that range.

Mr. DeSalvo referred to page 5 of the Staff Report, specifically Condition 10.b., and questioned whether the Applicant was proposing to submit a Lee Plan amendment relative to the Suburban residential acreage allocation for the Fort Myers Shores planning community [Table 1(b)]? He asked for clarification of this condition. Mr. Basinait explained that what would probably happen is that Lee County would probably be the applicant. This amendment would affect the entire area, and not just the proposed development. This amendment would affect Hawk's Haven, and a number of other developments. The County will probably be looking at initiating this type of amendment.

Mr. DeSalvo stated that the largest issue for the Hunter Family is that there are a lot of older [long time] families in this area, of which the Hunter Family is one. The Hunters are running an active ranch, with cattle, hay, and sludge spreading. He asked for clarification as to what type of buffering is proposed for the project wherever it directly abuts the Hunters' property. He pointed out the location of the Hunters's property, and noted the abutting property lines, stating that nothing specific was set out in Condition 8. Mr. Basinait indicated that he would have Mr. Depew respond fully to that after Mr. DeSalvo had finished with his questions/statements.

Mr. DeSalvo noted that, because the Hunters are running an active ranch, they are always concerned with any new development that abuts their property. They want to ensure that they will always be able to continue with their bona fide agricultural uses. Buffering is important because the Hunters want to continue working their ranch for as long as they are able to do so and want to do so. With the proposed project, there will be residents living adjacent to an active ranch, and adequate buffering would alleviate some of the Hunters' concerns.

The Hearing Examiner asked Mr. DeSalvo to identify the parcels on which the sludge spreading activities were occurring. Mr. DeSalvo pointed out the location of the operation, but stated that he wasn't sure on which parcels they were actually spreading the sludge currently. He indicated how the sludge trucks accessed the site (near the Buckingham Gardens parcel).

Mr. DeSalvo explained that the Hunter Family was neither opposed to nor in favor of the proposed project. Based on what they had learned to date from the application and the plan submitted by the Applicant had raised certain questions/concerns on their part, and they needed clarification.

Mr. Depew indicated that he could answer part of Mr. DeSalvo's questions. Referencing the map exhibits, he pointed out and circled several areas which were intended to be retention areas, and which should accommodate buffering along these particular boundaries. Noting another area, he indicated that they did not yet have specific plans for it in terms of what the buffering would be along that area. He pointed out several more areas, indicating that there would definitely be buffering in those locations. He believed it was likely there would be a perimeter berm with some type of vegetative plantings on top of the berm. The regulations do not, however, require buffering between these particular areas/properties, and the Applicant did not have a plan, at this time, as to the specifics of any buffering.

Based on what Mr. Depew had pointed out, Mr. DeSalvo observed that approximately half the boundaries abutting the Hunter parcels would be buffered by a minimum 100-foot-wide water retention area, and Mr. Depew indicated that this was correct. Mr. DeSalvo noted that, for the remaining half of the abutting boundary lines, it was undetermined, at this time, what type of buffering would be used. Mr. Depew stated that this was correct also, adding that there would be some type of landscaped buffer, but he didn't know what it would consist of at this time.

Mr. DeSalvo requested that either the Applicant, or the Hearing Examiner, look at/consider some type of buffering in the areas which did not currently have some type of proposed buffering. He stated that he did not have anything specific in mind, except that they wanted to ensure people and cattle were not "mixing" with one another.

Jim Green, the next speaker, stated that he lived on South River Road in Alva, approximately five miles from the proposed development. Mr. Green explained that he is chairman of the East Lee County Council, a compendium of communities and business associations that aspire to improve the quality of life in East Lee County. The Council has been active in working with the County and with other organizations to reduce blight, assist historic communities in improving their worth and value, wrestling with the economic development and needs for the area, and have also been very active with new developments coming into this area. He had personally also made a minor contribution to blight reduction by restoring a commercial building located approximately a mile and a half from this area. He had vested interests in this area, as did others in the communities which he represented.

The Council wasn't against growth. They have been in lockstep with both Hawk's Haven, and with Bonita Bay in their efforts in this area. The Council fully embraces these entities, and welcomes them with open arms. A key difference between those developments and Buckingham 320 is the community involvement. Both the developer of Hawk's Haven and Bonita Bay Properties, Inc., elicited public input well before the point where the Buckingham 320 project is now.

The Council cannot support the proposed project today. They do not understand the proposed plan, nor its intent - other than to provide an unknown East Coast developer with the approval for the maximum number of units which the law may conceivably allow.

Their concerns include the belief that the proposed density is completely out of character with the surrounding area and environment. The Applicant has stated they are basing this on market needs, but the lack of detail on the plan precludes the neighbors from being able to assess more specific impacts which this project may have on their lives. The general sketchiness of the bubble plan gives them significant concern. With the proximity of this area to the Preserve, with the bare amenities being provided, and, as pointed out by others, with the lack of employment opportunities in the area, he would question the economic viability of such an operation.

With regard to the request to not discuss the Buckingham Gardens' project, Mr. Green stated that he would object to not being able to comment on it, both on his own behalf and on behalf of others present - especially in light of the fact that Staff had mentioned it in the Staff Report. The Hearing Examiner noted Mr. Green's objection.

He questioned the economic viability of the proposed plan. Florida history shows well that the entire community loses, if the developer loses. The residents did not want a losing developer nor a plan which would cause a developer to lose. They are seeking to clean up the blight in this area, and were seeking no new opportunities for blight to occur. The community stake is high with new development, as is the developer's stake. The Council's objection is to work for the best mutual interest and negotiate on differences if they occur. Unfortunately, this dialogue has not occurred. Government has the responsibility to weight the landowner's rights as well as the rights of members of the community to ensure balance. He wanted to stop the mistakes of the past, where developments and zoning changes are approved without community participation and awareness, and to only later end up with emotional confrontations and law suits. Mr. Green requested, first, collaboration, and disagreement only as a last resort. Based on this, he would recommend denial of the request until community dialogue, participation, and hopefully embracement, can occur.

Theodore Budd stated that he lived in the Fort Myers Shores area and that he is on the board of directors of the East Lee County Council and active in the Civic Association. They have been actively working to keep this part of the County clean, and to work with the proposed new projects. He wholeheartedly agreed with the other speakers, and lent his support and that of these associations to the residents of this area. They did not believe that the proposed project is compatible with existing development in this area. If there are differences which can be worked out, the association and residents would be happy to work with the developer to try to resolve some of them.

Mr. Basinait noted that one resident had asked about southbound trips on Buckingham Road, and distribution of those trips. He indicated that Bill Morris could respond to those questions. Mr. Morris explained that he is a civil engineer with Morris-Depew Associates, Inc., and confirmed that he is familiar with the traffic counts for Buckingham Road and which were found in the TIS. He stated that the TIS was prepared consistent with the County's accepted methodologies. The projected trip distribution count south of Orange River Boulevard for the AM peak hour is 101 trips. For the PM peak hour, it is 59 trips.

Mr. Basinait indicated that there had been other comments about the level of accidents on Buckingham Road, and Mr. Morris explained the normal manner in which accidents are treated, for a road of any kind. There are numerous studies set up by the Federal Highway Administration in a manual/document called the Manual of Uniform Traffic Control Devices (MUTCD). There are studies set forth by this manual which are called "warrant analysis," which are used to determine whether or not a road is dangerous, and needs to be addressed for public safety.

Mrs. Ware referenced Mr. Morris' testimony about 101 trips, and asked whether this was what they were projecting or what currently exists? The Hearing Examiner explained that this was the projection for the proposed project for the AM peak hour for southbound trips south of Orange River Boulevard. The PM peak hour generation was 59 trips. Mrs. Ware asked if what Mr. Morris was saying was that everyone was going to turn and go in a certain direction, and no one would be turning in the other direction? The Hearing Examiner indicated that was correct. Mrs. Ware asked how they could determine this? The Hearing Examiner suggested that Mrs. Ware discuss the details of how these studies were conducted etc., with Mr. Morris

after the hearing, explaining that she (Hearing Examiner) knew how these studies were conducted. There were certain formulas which are used. Mr. Morris could provide her with the details of how this is done.

Ms. Wicks (LCDOT) asked Mr. Morris what the southbound peak hour trips were, and he indicated that, from the project only, was 59 for the PM peak hour. Ms. Wicks referred to Figures 3.1 and 3.2 in the TIS, noting that there were two entrances shown for the project, a north entrance and a south entrance. The figures show a peak trip generation for the south entrance of 127 trips, and for the north entrance it is shown as 51. Mr. Morris indicated that this was correct. The 101 and 59 trips were representative of those trips south of Orange River Boulevard. An unidentified man stated that this wasn't representative of the southern trips. These were southbound trips, and do not count the trips onto Orange River Boulevard. This needed to be noted.

The Hearing Examiner stated that she had not been furnished with a copy of the TIS, and requested that a copy be provided to her. She stated that she would review the information contained therein, and make a determination of this herself.

Ms. Wicks referenced the break up of the percentages that the Applicant had used as to which way the trips were going to, and asked if they had used their best judgement as to the route the various trips would take? Mr. Morris agreed, adding that it was also based on a methodology agreed to by County Staff. Ms. Wicks asked if it was correct that, at the development order stage, more detail was required in a TIS than at the zoning stage, i.e., with regard to these types of issues, and Mr. Morris stated that this was correct.

Mrs. Ware asked if it included trips from WalMart, etc., and the Hearing Examiner indicated that these numbers did not include background traffic. These numbers reflected only project traffic. Mrs. Ware asked whether the project traffic would be going to WalMart, since there were no other large stores in the area, and they would need to go south on Buckingham Road? The Hearing Examiner explained that the standard the County uses is PM and AM peak hour trip generation. These other trip generations would be part of the average daily trips. Mrs. Ware pointed out that many people would go in that direction because of the location of the WalMart, etc., in Lehigh Acres, and they would have travel down Buckingham Road. There were no other stores around. The Hearing Examiner stated that she didn't know specifically about this, but reiterated that the standards that the County uses are the PM peak hour and the AM peak hour trip generations, as opposed to the average daily trips. She stated that she would review the TIS.

Ms. Redmond asked if she had heard correctly that the proposed lake would be 100 feet wide, or if it was going to be a 100-foot-wide ditch. The Hearing Examiner noted that the testimony had been that it was a lake. Ms. Redmond pointed out, therefore, that there would be water in it, and asked where that water would come from. Mr. Depew indicated that there would be water in the lake; that the water is already there. She then asked if it was the water from her swampy area, and if it would then be drained away. Mr. Depew indicated that this wasn't where the water would come from, and not how it would work.

The Hearing Examiner stated that she understood the neighbors' concerns, and did not want to belabor these issues. Mr. Rippe pointed out that the Applicant had indicated that they had

not determined where the dry detention and the wet retention areas would be. Mr. Depew commented that this wasn't correct, stating that they had determined the general location of the wet and dry detention/retention areas. Although they had not determined the specific ratio of wet-to-dry detention, they have determined the general location and this is as noted on the MCP. These areas are being placed along the perimeters of the project in order to provide additional setbacks and buffers.

Mr. Basinait noted that the Applicant had gone through the proposed MCP. He understood that there were concerns with the density in this area. They had discussed the Buckingham Rural Community Preserve Area, traffic, etc. From the standpoint of traffic, the Applicant has performed the requisite traffic studies for the zoning process. The County's transportation staff have determined that the project will not degrade the level of service on Buckingham Road below an acceptable level of service. From a density standpoint, both Mr. Depew and Ms. Deselem have testified that the proposed density is compatible. Mr. Basinait stated that they did have a "quandary of sorts" to the extent that 120 acres of the 320-acre project is situated in the Rural category, and development is limited to one dwelling unit per acre. Ordinarily you would have a better spreading of the density across the entire site. The Applicant isn't, however, able to do this, given the Rural versus the Suburban land use categories. This is why they have a somewhat higher concentration in the Suburban area than what otherwise might be seen.

Nevertheless, in an effort to ameliorate those concerns and respond to them, the Applicant has proposed a series of water management areas along the south property line. There are wetland preserve areas, and upland preserve areas in the southwest corner of the site. There is a 150-foot setback for the multi-family area, and this is also referenced in the conditions. There are water retention areas shown in various other locations along the property lines to provide for additional buffering. He pointed out the location of the proposed 15-foot-wide vegetated buffer along the southern property line, and the area where the vegetated buffer would be 20 feet wide. There is also a 50-foot setback from Buckingham Road, in addition to the water retention areas proposed along that roadway. The Applicant is trying to provide compatibility setbacks to ameliorate concerns relating to density.

There was testimony provided about other developments in this area, i.e., to the north, which are in the 5- to 6-unit-per-acre range; therefore, the proposed project is certainly not unheard of in the Buckingham area. It might be more than what has, historically, been found in some of the areas of Buckingham, however, as testified to, East Lee County is one of the highest growth areas and this is an area where people are starting to move. As people move into this area, the densities will get somewhat higher.

There are a number of conditions which address compatibility concerns, and which provide protection for both the surrounding neighborhood and for the proposed development.

With respect to the concerns about the Buckingham Preserve Area, Mr. Basinait stated that, while this Preserve Area has been designated specifically for one dwelling unit per acre, this particular Lee Plan policy does not speak directly to adjacent properties. However, it has been pointed out that there will be setbacks, buffers, and water retention areas along the south

boundary line. Much of this buffer is adjacent to the Rural area which is limited to one dwelling unit per acre. Other portions along the southern boundary are actually preserved areas which will not be developed.

The Applicant has asked that Condition 2.a.(2) be modified [sic]. Mr. Basinait noted that Mrs. Lehnert had come up with further revisions to this condition, and the Applicant did not object to substituting this new language. All the Applicant was trying to make clear was that they are not sure of the exact unit mix at this time. They might end up with a lot more single-family than originally delineated, and it would be counter productive to limit the development to "artificial" numbers which were used in the TIS only to show what the impacts would be if all 1,320 units were constructed. The Applicant is merely asking for flexibility to provide a housing mix which may, in the long run, prove to be more beneficial to not only the Applicant, but also to the community.

Mr. Basinait referenced Condition 9, and then corrected his previous statement. The Applicant would ask that the Hearing Examiner approve the Applicant's proposed language for Condition 2.a.(2). Condition 9 is the condition for which Staff is going to submit revised language, and to which the Applicant does not object.

With regard to Condition 4, and the Applicant's request to delete that condition, Mr. Basinait commented that it really didn't matter one way or another. They just wanted to ensure that it was clearly understood that, contrary to the Staff Report and contrary to the memorandum from Bob Rentz attached to the Staff Report, the Applicant is not proposing to reduce the setbacks from the lake excavations. While they may have "mislocated" the lakes on the MCP, and shown them too close to Buckingham Road, it wasn't the Applicant's intent to place these within the 50-foot required setback. He pointed out that the Applicant has not requested a deviation from this standard, and it wasn't their intent to ask the Director to modify these setbacks [i.e., through an administrative amendment]. The Applicant doesn't have a problem with the required 50-foot setback. The Staff Report and the memorandum from Mr. Rentz are incorrect as they have not requested any reduction in setback.

The rezoning application is consistent with the surrounding area, and with the trends being evidenced in the Buckingham area. The Applicant would ask that the Hearing Examiner carefully review their request, and approve the rezoning to RPD with the conditions as modified.

Ms. Deselem referenced Condition 2.a.(2), and the testimony by the Applicant that they may eventually determine they want to only do single-family residential. She wasn't sure if this was in response to compatibility concerns, and the testimony of the residents who would prefer single-family development. She referenced the MCP and stated that this couldn't happen, based on the way the plan was proposed. This use, i.e., single-family residential, isn't even listed on the different tracts - except for in the Rural portion of this site. She noted that this issue had come up during the sufficiency review. The TIS had only shown a certain number of trips attributed to single-family units, and single-family is a higher trip generator. The Applicant wanted to have the trips, and the uses as well, but they can't have it both ways. You can either have the uses, or you have the trips.

The Applicant has proposed multi-family, zero-lot-line, and townhouse development in these areas. They have the ability to later amend the RPD, through the public hearing process. If they don't know what they want, then they can change/amend it later. Staff responded to what the Applicant proposed. There has been testimony regarding the TIS, that trips attributed to the single-family use are much higher. Staff should be permitted the ability to address this, through the public hearing process, if, in fact, this is what the Applicant decides to do. Based on this, Staff believes that Staff's proposed Condition 2.a.(2) should be retained.

With regard to Condition 4, the Applicant continues to state that they have no intent to request a deviation [from the 50-foot minimum lake setback]. Because of this, Staff does not understand why the Applicant would have a problem with the condition. Staff would prefer that this condition be included. This is, essentially, a moot point. If the Applicant doesn't want a deviation from this requirement, then they should have no objection to keeping this condition.

Ms. Deselem submitted the revised language for Condition 9 [Staff's Exhibit 3], noting that this language was acceptable to both Staff and the Applicant.

With regard to water and sewer service, Ms. Deselem clarified that there are other Lee Plan policies and LDC requirements which require that any development in excess of 2.5 dwelling units per acre to provide water and sewer service. Before this project can receive an approved development order and proceed with any building permits, etc., compliance with these requirements would have to be shown. If this cannot be shown for this development, then the project cannot begin. The regulations provide a "safety valve" in this regard.

Another issue which was raised was a possible Lee Plan amendment, and it was stated that the County was going to initiate this amendment. She did not know for a fact whether this was correct. This condition [Condition 10] has been included in at least two other cases of which she was aware, but the County wasn't obligated to initiate the amendment. Based on this, the proposed project may or may not be able to proceed in the manner suggested by the Applicant's testimony, i.e., with regard to commencing development in January 2001. This will depend on the Lee Plan allocations, and where the dwelling units are proposed. This may not be a realistic expectation of development because it takes from six months to a year to go through the Lee Plan amendment process.

With regard to the potential buffering from the Hunter property, Mr. Depew had testified that there would be buffering, but had not stated what that buffering would be. She stated that, from the standpoint of development order review, when this project applies for the development order, if no buffer is shown on the plan and there is no condition requiring this buffering, then no buffers would be required - regardless what Mr. Depew might have testified to at this hearing. She requested that the Hearing Examiner include a condition which set out a specific, measurable requirement for buffering - if there is a buffer recommended in this area. As it currently stands, there will be no buffering in this area.

Similarly, with regard to the water retention areas shown, the locations are noted on the MCP, because of the bubble plan, as being approximate. These areas are shown with varying widths, etc. This is why Staff included a condition which contained specific measurements, etc., for these water management areas. She asked that the Hearing Examiner include a

specific condition, with measurable parameters, if this was something that was going to be required. This would ensure that, when Staff reviews the development order application, there is a quantifiable or measurable standard.

The Hearing Examiner stated that she would conduct a site visit, and would drive through the various surrounding neighborhoods and the community. While she was somewhat familiar with the Buckingham area, she would look more closely at the specifics of this site and the surrounding area. Noting delays due to vacation schedules, the Hearing Examiner noted that it might be July before the recommendation was issued in this case and that a copy would be mailed to each hearing participant. Following that, a notice would be sent indicating when the BOCC Zoning Hearing is scheduled.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. David W. DEPEW, AICP/President, % Morris-Depew Associates, Inc., 2216 Altamont Ave., Ft. Myers, FL 33901
2. Bill MORRIS, Civil Engineer, % Morris-Depew Associates, Inc., 2216 Altamont Ave., Ft. Myers, FL 33901

ADDITIONAL COUNTY STAFF:

1. Elaine WICKS and Andy GETCH, Dept. of Transportation, Lee County, P. O. Box 398, Ft. Myers, FL 33902-0398
2. Dawn PERRY-LEHNERT, Assistant County Attorney, Lee County, P. O. Box 398, Ft. Myers, FL 33902-0398
3. Kim TREBATOSKI, Division of Planning/Environmental Sciences Program, Lee County, P.O. Box 398, Ft. Myers, FL 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For: NONE

Against:

1. Warren BLECKLEY, 1980 Bahama Ave., Ft. Myers, FL 33905
2. Theodore R. BUDD, 13280 Marquette Blvd., Ft. Myers, FL 33905
3. KRIS CELLA, 17371 Oak Creek Rd., Alva, FL 33920

4. Jim GREEN, P. O. Box 218, Alva, FL 33920
5. Mitchell M. HOWARD III, 9495 Skates Cir., Ft. Myers, FL 33905
6. Robert C. HUSTON, 3822 Hyde Park Dr., Ft. Myers, FL 33905
7. Joseph JAMES, 14991 Drawdy Rd., Ft. Myers, FL 33905
8. Karen REDMOND, 4261 Buckingham Rd., Ft. Myers, FL 33905 [also representing Robert Harding]
9. Michael G. RIPPE, 13140 Bird Rd., Ft. Myers, FL 33905
10. Mike ROEDER, Director of Planning, % Humphrey & Knott, P.A., 1625 Hendry St., Ft. Myers, FL 33901
11. Barbara WARE, 5531 Mackaboy Ct., Ft. Myers, FL 33905 [also representing Susan May]
12. S. P. "Sam" WATKINS, D.C., P. O. Box 1545, Ft. Myers, FL 33902 [also representing Hugh Watkins]

General:

1. Andrew P. DeSALVO, % DeSalvo & Wyatt, Inc., Realtors, 3960 Via Del Rey, Bonita Springs, FL 34134 [appearing on behalf of Jessie Hunter, adjacent property owner]
2. Stephanie KEYES, AICP, % The School District of Lee County, 3308 Canal St., Ft. Myers, FL 33916

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For: NONE

Against:

1. Robert HARDING, 4261 Buckingham Rd., Ft. Myers, FL 33905 [represented by Karen Redmond]
2. Susan MAY, 4463 Skates Cir., Ft. Myers, FL 33905 [also represented at hearing by Barbara Ware]
Letter, dated 05/24/00: I would like to voice my concerns about the two housing developments you [are] considering allowing to be built on Buckingham Road. (1) I believe that the density is too great for the area. (2) This is too much traffic for Buckingham Road. (3) I have read the wildlife study that was done and it is not correct. On my property I see the small and large blue heron, bobcat, woodstork, otter, alligator, the apple snail, Everglades kite (we have at least two sets); anhinga (water turkey), and a alligator turtle. (4) I also have a problem with

the height of these apartment buildings. I don't want people staring into my home from the third floor of their building. (5) I understand that there is no recreation facility for any of the people that would buy these homes. We don't have enough recreation facilities for the people that are living in the Buckingham area now. All we have is one baseball park for the children to play [at] and one very, very small play area at the Buckingham Community Center. I understand because I cannot leave my job to attend this meeting that I will not be able to speak at the County Commission Meeting that pertains to this matter. This job is how I pay for my house and the taxes that I have to pay on this house.

3. William & Cheryl SHAY, 4170 Gooble Dr., Ft. Myers, FL 33905

Letter, dated 05/16/00: We are opposed to the rezoning of Buckingham 320 from AG-2 to Residential Planned Development. We have lived here for 10 years and we have had alligators, otters, turkeys and bobcats cross our property. My wife said she saw a panther coming home from work one night. This will all disappear with this rezoning. When the rainy season comes, the otters and gators travel from the canals in Lehigh Acres across this area west to ponds and the Orange River looking for mates and new feeding grounds. We bought our property for its privacy, beauty and wildlife. I have over a dozen birdhouses and two bat houses up for the wildlife. I am not inclined to see any three-story buildings on this property. Keep it zoned AG-2.

4. Carolyn TYLER, 6241 Buckingham Road, Ft. Myers, FL 33905

5. Hugh WATKINS, P. O. Box 1545, Ft. Myers, FL 33902 [represented by S. P. Watkins]

IX. LEGAL DESCRIPTION:

See Exhibit "A" (scanned legal).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 11th day of July, 2000. A copy will be forwarded to the offices of the Lee County Board of County Commissioners.

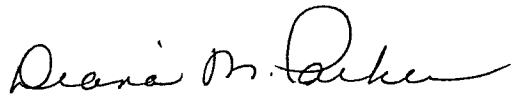
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.



DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 941/479-8100
Facsimile: 941/479-8106

Exhibit "A"

OR. 2561 PG. 5108

Applicant's Legal Checked
by gm 9/10/2K

LAND DESCRIPTION:

THE SE 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE SE 1/4 OF SECTION 32,
TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING EAST OF BUCKINGHAM ROAD,
TOGETHER WITH
THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NW 1/4 OF THE SW 1/4
AND THE NE 1/4 OF THE SE 1/4 AND THE S 1/2 OF THE S 1/2 OF SECTION 33,
TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.
LESS AND EXCEPT
THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, AND THE W 1/2 OF W 1/2 OF THE
NW 1/4, OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 33.
CONTAINING 324.6090 ACRES MORE OR LESS.

SECTION 33

176E

N88°59'16"E 1320.53'

OR. 2546 PG. 1377

N00°43'05"W 1334.06'

05°

1322.15'

Zoning & Land Use Map

The map displays various zoning districts and land use designations. Key features include:

- Zoning Districts:** AG-2, RPD, CC, CS-1, RS-1, and RPD.
- Land Use Designations:** AG-2, RPD, CC, CS-1, RS-1, and RPD.
- Geographic Labels:** Buckingham Gardens, Buckingham Exceptional School, Hawks Haven RPD, Riverdale Ranches, and State Route 80.
- Property Identification:** A large area is labeled "SUBJECT PROPERTY AG-2".
- Map Details:** The map includes a grid system, property boundaries, and various symbols indicating different land uses and zoning districts.

Attachment A

LEE COUNTY, FLORIDA
DEVELOPMENT SERVICES DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI 1999-00024

HEARING EXAMINER DATE: May 17, 2000

CONTINUED HEARING DATE: July 7, 2000

I. APPLICATION SUMMARY:

A. Applicant: Marcel H. Padou in ref to Buckingham Gardens Apartments RPD

B. Request: Rezone from Agriculture (AG-2) to Residential Planned Development (RPD) to permit a maximum of 300 multiple family dwelling units, not to exceed 35 feet in height, on 75.03± total acres of land.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

C. Location: The subject property is located at 2951 & 3021 Buckingham Road (from the intersection of Buckingham Road & Palm Beach Boulevard, turn south onto Buckingham Road, continue south for one-half mile, property is located east of Buckingham Road), in S28 & 33-T43S-R26E, Lee County, FL. (District #5)

D. Land Use Plan Designation: Suburban, Rural, and Wetlands

E. Surrounding Land Use:

Existing Zoning & Land Use

Future Land Use Map

North: Developed single family residential, zoned AG-2,
developed single family residential, zoned RS-1,
Drawdy Road then vacant and developed single
family residential, zoned AG-2

Suburban

East: Residential Planned Development (Hawk's
Haven), zoned RPD

Rural and Wetlands

South: Agriculture (pasture), zoned AG-2 and Agriculture
with Essential Service Facilities, Group II (Hunter
Lime Stabilization Facility), zoned AG-2

Suburban, Rural, and
Wetlands

West: Buckingham Road then undeveloped lands with
communication tower, zoned AG-2

Suburban

F. Size of Property: 75.03± acres

II. RECOMMENDATION:

Staff recommends APPROVAL of the Applicant's request for rezoning from Agriculture (AG-2) to Residential Planned Development (RPD) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the two page Master Concept Plan entitled "Buckingham Road Multiple Family Apartments RPD, RPD Master Concept Plan," stamped received May 30, 2000 by the permit counter, last revised 5/26/00, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

DWELLING UNITS

Townhouse

Multiple Family

ENTRANCE GATES AND GATEHOUSES

ESSENTIAL SERVICES

ESSENTIAL SERVICES GROUP I

EXCAVATION: Water Retention (no authorization for material to be removed from the site)

FENCES, WALLS

MODEL UNITS

PARKING LOT, accessory

REAL ESTATE SALES OFFICE, limited to sales of homes or units within the development, as may be permitted in section 34-1951 et seq.

RECREATIONAL FACILITIES, Personal and Private (on-site)

RESIDENTIAL ACCESSORY USES

SIGNS, in accordance with LDC chapter 30

b. Site Development Regulations

i. Townhouse:

Minimum Lot Area and Dimensions:

Area: 3,750 square feet

Width: 37.5 feet

Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (Section 34-2191et seq.)
Side: 7 feet with zero feet between attached structures
Rear: 20 feet
Water Body: 25 feet (water's edge @ control elevation)

Development Perimeter: 20 feet

Lot Coverage: 45%

Maximum Building Height: 35 feet

ii. Multiple Family:

Minimum Lot Area and Dimensions:

Area: 10,000 square feet
Width: 100 feet
Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (Section 34-2191et seq.)
Side: 20 feet
Rear: 20 feet
Water Body: 25 feet (water's edge @ control elevation)

Development Perimeter: 20 feet

Lot Coverage: 45%

Maximum Building Height: 35 feet

3. The RPD is limited to a maximum total of 300 residential dwelling units.
4. The recreational facility/rental office (administrative) building located adjacent to Buckingham Road will be limited to a maximum floor area of 3,500 square feet. The two satellite recreational facilities, as shown on the master concept plan, may not exceed a combined total floor area of 4,000 square feet for both buildings.
5. A Type "B" buffer will be required along the south side of the 100 foot wide Florida Power and Light easement located on the subject property and the buffer trees must be appropriately sized and maintained in mature form so that conflicts with overhead utilities do not occur, as per Section 10-421(a)(5) of the LDC.

6. A Type "B" buffer will be required along and adjacent to the south property line commencing at Buckingham Road and running easterly for 300 feet, then commencing at a distance of 650 feet east of Buckingham Road running easterly to Wetland Preserve area "B".
7. The following conditions address environmental issues:
 - a. Open space areas must be designed to incorporate as many of the existing large native trees within the pine-cabbage palm (FLUCCS 411/428) as possible. Sabal palms with a minimum eight foot clear trunk must be preserved in place or relocated in a horticulturally correct manner to appropriate open space areas.
 - b. If the ditch adjacent to the transmission line is to be filled as part of the development, then the blue flag iris plants must be relocated to the freshwater marsh and created lakes to the extent possible.
 - c. The sandhill crane management plan included in the "Management Plan for Listed Species - Kraizgrum 77 acres" prepared by Boylan Environmental Consultants dated October 5, 1999 is hereby adopted with the following condition: Prior to local development order approval, the development order plans must include a littoral planting plan per LDC Section 10-418 for any proposed lakes. The shoreline of these lakes must be designed to include draw down pools to provide foraging areas for wading birds during periods of low water.
8. Prior to local development order approval, if an Alternate Landscape Betterment Plan is proposed the plan must not include any alteration to buffering requirements set forth in the LDC or this zoning resolution, and is limited to landscaping requirements internal to the project. Alternate Landscape Betterment Plans are subject to Division of Planning / Environmental Sciences staff review and approval.
9. The following conditions are to help mitigate potential hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.
 - a. Prior to the approval of a local development order the Developer must:
 - i. Establish a homeowner's or resident's association. The organization shall provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards; and
 - ii. Formulate an emergency hurricane notification and evacuation plan for the development, which shall be subject to review and approval by the Lee County Office of Emergency Management; and

- iii. The Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety. These "means" could include the provision of equipment, monies-in-lieu of equipment, or such other goods, materials or actions deemed appropriate by Public Safety/Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the Developer, so long as the choice adequately mitigates the adverse impacts.
- 10. Prior to the first local development order approval, the developer must provide evidence that the 100 foot wide easement created by warranty deed recorded in Deed Book 278 Page 235 has been extinguished. (This is a private easement interest. Therefore, vacation of the easement is neither necessary nor appropriate).
- 11. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
- 12. Bona fide agricultural uses that are now in existence may continue until the first development order approval is granted. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
- 13. The following conditions are included to address Lee Plan consistency issues
 - a. Given the limited existing available Suburban 2020 Planning Community Acreage Allocation at the time of rezoning, the available Suburban allocation must be determined by the Planning Division, prior to any development order approval for residential use in the Suburban portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database (ie. updated by the County on a bi-annual basis in accordance with the Lee Plan), exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In order to develop more Suburban acreage with residential uses, the Lee Plan must be amended to change the Suburban residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the

current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.

- b. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must be reviewed for, and found consistent with all other Lee Plan provisions.
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

B. Deviations

Deviation #1, requests relief from LDC Section 10-291(3), which requires, where practical, any residential development of more than five acres or any commercial or industrial development of more than ten acres must provide two or more means of ingress or egress for the development; to allow one entrance as depicted on the master concept plan. Staff recommends **APPROVAL** of this deviation **SUBJECT TO** a secondary emergency access point being provided. The secondary emergency access point can be a sodded, stabilized connection, with a "breakaway" gate. The emergency access will provide a secondary connection to Buckingham Road. The location and type of connection of the secondary emergency access point will be reviewed and approved at the time of local development order approval.

Deviation #2, requests relief from LDC Section 10-416(d)(6), where roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet; to allow a Type "B" buffer, centered a minimum of 100 feet from the abutting property with no proposed development to occur within the area between the buffer and the adjacent property line. Staff recommends **APPROVAL** of this deviation **SUBJECT TO** a TYPE "B" buffer being provided, on the subject property, along and adjacent to the south side of the Florida Power and Light easement.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning as conditioned:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

- b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
 5. The proposed use or mix of uses is appropriate at the subject location.
 6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
 8. The deviation granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis:

The subject property is located at 2951 and 3021 Buckingham Road. Access to the subject property will be from Buckingham Road, approximately three-quarters of a mile south of the intersection of Palm Beach Boulevard and Buckingham Road. The applicant has requested a rezoning from Agriculture (AG-2) to Residential Planned Development (RPD) to allow a maximum of 300 residential dwelling units on 75± acres of land, not to exceed 35 feet in height. The applicant has indicated that the development will be comprised of multiple family dwelling units, however this does not preclude a mix of multiple family and townhouse dwelling units, since both are listed as permitted uses in the proposed residential planned development.

The applicant is proposing related personal and private on-site recreational uses in conjunction with the overall development. A real estate sales office is included in the schedule of uses for the sale of dwelling units within the development.

The proposed multiple family residential development will be developed in two pods separated by wetland preserves, with a recreational facility and real estate sales office located at the entrance to the development independent of the residential pods.

Zoning History and Existing Conditions:

The subject property is currently zoned agricultural (AG-2). The AG-2 zoning is the original zoning of the subject property. The subject property is undeveloped and is currently used as improved pasture containing a mixture of uplands, disturbed and undisturbed wetlands. A Florida Power and Light easement (Deed Book 234 Page 26) is located within the subject property and occupies a 100 foot wide strip of land parallel to the north property line. Further, following three roadway easements are located on the subject property:

1. A 60 foot wide easement reserved by Nathaniel Hunter, Jr. and Jessie C. Hunter, their heirs and assigns, which runs in a north to south direction across the property.
2. A 20 foot road easement (Deed Book 39, Page 299) along the west and south sides of a 10 acre tract, which is now part of the subject property.
3. A 100 foot wide easement (Deed Book 278, Page 235), which runs the entire length of the subject property.

The 100 foot wide easement is currently used as a haulage road for trucks disposing of treated septic or sewage waste material (Hunter Lime Stabilization Facility) on a 160 acre parcel immediately to the south and adjacent to the most easterly 2,640 feet of the subject property. The haulage road ingress and egress easement will be relocated to the south side of the subject property as shown on the master concept plan. In addition, it appears that the adjacent residential planned development, Hawk's Haven, proposes to use the 100 foot wide easement as a proposed emergency ingress and egress to Buckingham Road. Therefore, staff has provided a condition to address this issue. The applicant will be required to provide evidence that the 100 foot wide easement created by warranty deed recorded in Deed Book 278 Page 235 has been extinguished. This will resolve any interests that Hawk's Haven may have in the recorded deed.

North of the subject property and adjacent to the north side of the 100 foot wide Florida Power and Light easement is Drawdy Road, a county maintained road. Drawdy Road connects to Buckingham Road through county maintained roads within the Riverdale Residential Subdivision, which is also located immediately north of the Florida Power and Light easement.

Master Concept Plan

The master concept plan (MCP) is a two sheet document which shows the layout of the proposed development, with a proposed schedule of permitted uses, open space summary, and property development regulations. The development is limited to 300 dwelling units. The applicant has not specified if the development will be entirely of multiple family dwelling units or town house units or a mix of the two dwelling unit types. However, the applicant has indicated on the MCP that this plan is intended to be a "bubble plan" plan. Also, the applicant has stated that the building footprints and parking layouts shown are intended only to demonstrate the "ability" of a 300 unit multiple family development to "fit" on the site. The applicant has specified that the actual plan submitted for a development order approval will be required to "match" only the concepts outlined and not the specific building footprints and parking layouts currently shown on the master concept plan.

The applicant has advised staff that the main recreational facility/rental office (administrative) building located adjacent to Buckingham Road will be 3500± square feet in area. The other two satellite recreational facilities, as shown on the MCP, will each be 2,000± square feet in area.

The applicant has revised the master concept plan, from the original submittal, to set back the entrance road, which parallels Buckingham Road, to 35 feet from the existing property line to accommodate the future widening of Buckingham Road. Therefore, after Buckingham Road is widened, enough width will remain to maintain a type "D" buffer, in accordance with the requirements of the Land Development Code (LDC).

The applicant is showing a proposed 35 foot wide relocated ingress/egress easement, which for the most part, runs parallel and adjacent to the south property line. This relocated 35 foot wide easement will replace the existing 100 foot wide easement, which ran roughly through the center of the proposed development. The proposed easement will allow the operator of the Hunter Lime Stabilization Facility to continue to have vehicular access to the disposal area, immediately south of the subject property, while separating this function from the internal road servicing the proposed residential development. However, prior to local development order approval, the developer must provide evidence that the 100 foot wide road easement interest created by the warranty deed recorded in Deed Book 278, Page 235 has been extinguished. This is a private easement interest. Therefore, vacation of the easement is neither necessary nor appropriate.

Lee Plan Considerations

The subject property is located predominately within the Suburban future land use category of the Lee Plan and includes lands within the Wetlands and Rural land use categories of the Lee Plan. The Rural land use category allows low-density developments (1 du/ac) within areas that have public services below that of the urban areas. The applicant is proposing no dwelling units within the area defined as a Rural land use category of the Lee Plan.

The subject property is predominately located within the Suburban land use category of the Lee Plan. The Suburban land use category occupies 49.12± acres of the 75.03± acre site and is described as follows:

Policy 1.1.5. The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

Freshwater wetlands occupy 22.79± acres (14.55 acres in the Suburban land use category and 8.24 acres in the Rural land use category) of the 75.03± acre site and are described as follows:

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 84

of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

The Rural land use category occupies 3.12± acres of the 75.03± acre site and is described as follows:

POLICY 1.4.1: *The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).*

The subject property is divided into three land use categories with the Suburban land use category being predominant land use category. The allowable number of dwelling units, in accordance with Table 1, Summary of Residential Densities, for the Suburban land use category: 382 dwelling units; for the Rural land use category: 3 dwelling units. The total number of dwelling units permitted on the subject property is 385 dwelling units. The applicant is proposing a maximum of 300 dwelling units, which would equate to an overall density of 4.0± dwelling units per acre. The Suburban land use category of the Lee plan permits a maximum density of 6 dwelling units per acre. The applicant is proposing no dwelling units within the rural or wetlands category of the Lee Plan.

The adjacent residential subdivisions immediately to the north of the subject property have the following densities: Riverdale Residential Subdivision, ± 3.1 dwelling units per acre; The Reserve at Buckingham, 3.9± dwelling units per acre. Hawk's Haven, a residential planned development (RPD), immediately east of the subject property has a density of 1.1± dwelling units per acre. Approximately one-half mile south of the subject property, on the east side of Buckingham Road, a residential planned development project (Buckingham 320) is currently proposed to have a density of 4.0± dwelling units per acre. The surrounding residential developments, which are primarily within the Suburban land use category, vary from 4.0± dwelling units per acre to 3.1± dwelling units per acre. Therefore, staff finds the proposed development is **CONSISTENT** with Policies 1.1.5., 1.5.1., and 1.4.1 of the Lee Plan.

The proposed development is divided into three land use categories. The allowable densities under this plan shall be the sum of the allowable densities for each land use category for each portion of the lands as described in Policy 5.1.11 of the Lee Plan, which states:

POLICY 5.1.11: *In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan shall be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:*

1. *The Planned Development zoning is utilized; and*
2. *No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*

3. *The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land shall be deemed contiguous for purposes of this policy; and*
4. *The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.*

The proposed development is **CONSISTENT** with this policy of the Lee Plan.

There is no commercial development associated with this project and will be entirely developed with multiple-family and/or townhouse dwelling units. Ancillary facilities will be related to the project such as the recreational facility and administrative office/sales office at the entrance to the subject property. The project will be developed at a density of 4 dwelling units per acre. The maximum density allowable within the Suburban land use category is 6 dwelling units per acre. Staff finds the proposed development **CONSISTENT** with this policy of the Lee Plan.

2020 Planning Community Acreage Allocation

The subject property is within the Fort Myers Shores Planning Community and falls within the Suburban and Rural land use categories of the Lee Plan. The allocations for the Fort Myers Shores Planning Community is as follows:

The Planning Communities Map and Acreage Allocation Table, Lee Plan Table 1(b), regulate the amount of residential, commercial, and industrial land uses. This new map and table replaces the functions of the previous Lee Plan Maps 16 and 17. Revised Lee Plan Policy 1.7.6. provides that "No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded."

The proposed development is within the Fort Myers Shores Planning Community, and it falls within the Suburban and Rural future land use categories. Table 1(b) allocates 1,383 acres for residential use in the Suburban portion of this community before the year 2020. The Planning Division's existing land use database, through September 1999, indicates that 1,220 acres have been developed with residential uses, leaving 163 acres available for residential development before the year 2020. The applicant is proposing 49.12± acres of residential development within the Suburban category, which is below the available residential acreage. As noted above, "No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded." The applicant is proposing residential uses on 49.12± acres within the Suburban category, therefore the Suburban portion of the property is currently consistent with Lee Plan Table 1(b) without a Lee Plan Amendment to allow more residential development. However, this does not guarantee the applicant's ability to construct all proposed residential units, and may require a Lee Plan amendment to attain build out at the proposed level of development

The proposed development is consistent with Table 1(b) in terms of the Rural allocations. Table 1(b) allocates 454 acres for residential use in the Rural portion of this community before the year 2020. The Planning Division's existing land use database, through September 1999, indicates that 282 acres have been developed with residential uses, leaving 172 acres available for residential development in the Rural areas before the year 2020. The applicant is proposing no residential use on 3.12± acres within the Rural category, therefore, the Rural portion of the property is consistent with Lee Plan Table 1(b) without a Lee Plan Amendment to allow more residential development.

Although the applicant has not exceeded the acreage allocation, staff has conditioned the approval to ensure that the Division of Planning, prior to any development order approval, must determine the available acreage allocation.

Surrounding Zoning and Neighborhood Compatibility

The proposed residential planned development (RPD) has improved pasture land located along the south property line including a 160 acre parcel of land adjacent to the most easterly 2,640 feet of the south property used for disposing of treated septic or sewage waste material. South of this enclave of agriculture (AG-2) zoned land is the Buckingham Exceptional School and Lee County Schools transportation facility and a proposed 1,320 dwelling unit residential planned development (Buckingham 320). To the west of the subject property is Buckingham Road then agriculture zoned land with a communication tower located on a portion of the property. To the north is a developed residential subdivision zoned RS-1 and large rural residential lots zoned AG-2. The rural residential lots abut Drawdy Road, which is adjacent to the Florida Power and Light easement. To the east of the subject property is Hawk's Haven, a 1,598 dwelling unit residential planned development. However, no residential development is planned, within Hawk's Haven adjacent to the east property line of the subject property and the land is designated as open space on the Hawk's Haven master concept plan.

The proposed multiple-family residential development will be setback 100 feet from the residential developments to the north as a result of the Florida Power and Light easement. A Type "B" buffer is required along the north property line to separate the single family residential development from the proposed multiple family residential development. Where the proposed development abuts Drawdy Road, a Type "D" buffer is required. Since, the 100 foot wide Florida Power and Light easement occupies the north 100 feet of the subject property, the buffer must be placed along and adjacent to the south side of the easement. The Type "B" and "D" buffer are identical except that in a Type "D" buffer trees within the ROW buffer must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. Since the buffer is along and adjacent to the Florida Power and Light easement and the two buffers are the same, staff recommends a condition that a Type "B" buffer be required along and adjacent to the south side of the Florida Power and Light easement on the subject property with a proviso that buffer trees must be appropriately sized in mature form so as to avoid conflicts with overhead utilities.

To the south of the subject property, for the most part, the proposed development is set back at least 250 feet from the south property line with intervening wetlands as shown on the master concept plan. However, the most westerly pod of the multiple family residential development is within 50 feet of the south property line. Also, a proposed 35 foot wide ingress/egress easement, at this location, separates the adjacent rural land use from the development. The applicant has

advised that on an average weekday 8 to 12 trucks utilize the access road. Since the property is zoned agriculture (AG-2), the Land Development Code does not require a buffer between the two land uses. However, staff finds that a buffer is necessary at this location to protect the less intense land uses to the south from the proposed development. Staff recommends that a Type "B" buffer be required along the south property line of the subject property from Buckingham Road to Wetland Preserve area "B" as shown on the master concept plan, excluding an area adjacent to Wetland Preserve "A".

Hurricane Issues

The Division of Public Safety, Emergency Management staff have indicated that evacuation of this site could be necessary prior to landfall of a category three hurricane. The natural ground elevations on the subject property land range from about 9.1 (NGVD) to 12.6 feet (NGVD). storm surge flooding depth on the subject property could range from 4.9 feet to 8.4 feet from a category three hurricane (See Attachment D). Staff has recommended conditions to address The Division of Public Safety, Emergency Management Division's concerns.

Environmental Issues

The Division of Planning: Environmental Sciences staff has reviewed the proposed Residential Planned Development (RPD) rezoning request and has conducted a site investigation of the subject property. The issues have been addressed with the inclusion of all conditions recommended by Division of Planning: Environmental Sciences staff within this staff report (See Attachments B and C).

Transportation Issues

The project will have a single access onto Buckingham Road. Buckingham Road is classified as an arterial road, and will be widened to four lanes at some point in the future.

The existing access to the proposed development corresponds to the 100 foot wide road easement recorded in Deed Book 278 Pages 235 - 237. This easement will be extinguished and the access point relocated to the southern terminus of the subject property. The single access point will provide access to the proposed residential development and to the relocated ingress/egress easement for vehicles accessing the Hunter Lime Stabilization Facility.

The applicant has provided a Traffic Impact Statement (TIS), prepared by Source, Inc. The project is expected to generate 1,932 new trips per day with 152 occurring in the AM peak Hour and 181 occurring in the PM peak hour. Based on the 1999 Lee County D.O.T. Traffic Count Report, the 1999 peak season, peak hour, peak direction volume of flow is 275 vehicles per hour. At this volume Buckingham Road provides a Level Of Service (LOS) C.

Normal background growth of traffic over the estimated four (4) year build out of this project, to the year 2004, will result in a peak season, peak hour, peak direction volume of flow of 306 vehicles per hour. At this volume Buckingham Road provides LOS C.

When the traffic is added to the anticipated build out background traffic the peak season, peak hour, peak direction volume of flow will be expected to increase to approximately 395 vehicles per hour. At this volume Buckingham Road provides LOS D (See Attachments J and K)

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Division of Planning; Environmental Sciences comments, dated April 17, 2000
- C. Division of Planning; Environmental Sciences comments, dated May 2, 2000
- D. Division of Public Safety, Emergency Management comments, dated April 17, 2000
- E. The School District of Lee County comments, dated March 6, 2000
- F. Applicant's Rational for Deviation #1 and #2
- G. Applicant's Narrative
- H. Roadway easement, Deed Book 278, Page 235
- I. Development Services Division comments, dated April 13, 2000
- J. Development Services Division comments, dated May 16, 2000
- K. Development Services Division comments, dated May 12, 2000

cc: Applicant
County Attorney
Zoning/DCI File

[illegible]

MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING: ENVIRONMENTAL SCIENCES

Date: April 17, 2000

To: Bryan Kelner, Zoning Manager
From: Kim Trebatoski, Environmental Planner

Re: Staff Report: Buckingham Gardens Apartments RPD
Case DCI 1999-00024
Master Concept Plan Counter Stamped March 28, 2000
STRAP 28-43-26-00-00013.0000; 00014.0000 &
33-43-26-00-00002.0010

Division of Planning / Environmental Sciences (ES) staff have reviewed the above referenced project and conducted a site inspection on March 10, 2000. The following are ES staff findings and recommended conditions:

Vegetation:

A Florida Land Use Cover and Classification System (FLUCCS) map was prepared by Boylan Environmental Consultants. The site contains a mix of indigenous vegetation communities and disturbed lands. The indigenous community consists of six cypress areas (FLUCCS 621). Disturbed lands include: residential (FLUCCS 110); freshwater marsh (FLUCCS 641); pine-cabbage palm (FLUCCS 411/428); unimproved pasture (FLUCCS 212); shrub and brush (FLUCCS 321); Brazilian pepper (FLUCCS 422 & 422H); Australian pine (FLUCCS 437); roads (FLUCCS 814); and electrical power transmission line (FLUCCS 832).

The freshwater marsh (FLUCCS 641) located on the western portion of the site is grazed by cattle, so it was difficult to determine the plant composition during the site inspection. This area may recover once the grazing has ceased.

The pine - cabbage palm (FLUCCS 411/428 & 411/428H) areas denoted on the FLUCCS map contain native canopy trees with bahia grass as the majority of the groundcover. These areas do not qualify as indigenous vegetation communities due to the lack of native groundcover. However, there are large native trees worthy of preservation including sabal palm, South Florida slash pine and live oak. LDC Section 34-411(g) requires every effort be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees. Sabal palms have a high survival rate when relocated in a horticulturally correct manner.

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

Date: May 2, 2000

**To: Bryan Kelner, Zoning Manager
From: Kim Trebatoski, Environmental Planner**

**Re: Staff Report Addendum - Buffering Note Recommended Condition
Buckingham Gardens Apartments RPD
Case DCI 1999-00024**

Buffering Note:

The MCP includes the following Buffering Note: All required buffers and landscaping will be addressed in the Landscape and Buffering Plan (per LDC Section 10, Article 3, Division 6), or the Alternate Landscape Betterment Plan (per LDC Section 10-419), to be submitted during the development order approval process.

ES staff requested this note be deleted in the sufficiency comments dated January 6, 2000. ES staff indicated that any landscape or buffer requirement that cannot be met should be addressed through a deviation request and justification. The applicant replied that at this time, the applicant is not aware of any specific landscape or buffer requirement that cannot be met, therefore no landscape or buffer related deviations have been requested. The applicant does however wish to retain the option of utilizing an Alternate Landscape Betterment Plan should the need arise at a later date.

Development Services staff review buffers and any deviation from a buffer requirement during the rezoning process as an issue related to compatibility. However, ES staff review buffers for compliance to the LDC requirements and zoning resolution conditions during the development order review process. Therefore ES staff recommend that a condition be included that limits the use of an Alternate Landscape Betterment Plan to landscaping requirements internal to the project and not include any alteration to buffering requirements per the LDC or zoning resolution.

Prior to local development order approval, if an Alternate Landscape Betterment Plan is proposed the plan must not include any alteration to buffering requirements set forth in the LDC or this zoning resolution, and is limited to landscaping requirements internal to the project. Alternate Landscape Betterment Plans are subject to Division of Planning / Environmental Sciences staff review and approval.

April 17, 2000

Page 2 of 3

ES staff recommend the following condition to ensure the preservation of large native trees:

Open space areas must be designed to incorporate as many of the existing large native trees within the pine-cabbage palm (FLUCCS 411/428) as possible. Sabal palms with a minimum eight foot clear trunk must be preserved in place or relocated in a horticulturally correct manner to appropriate open space areas.

There is a ditch present adjacent to the transmission line. ES staff noted the presence of blue flag iris in the ditch. If the ditch will be filled during the development process, the relocation of the irises to the freshwater marsh and created lakes would enhance the development and not unnecessarily destroy natural features [LDC Section 34-411(g)]. Therefore ES staff recommend the following condition:

If the ditch adjacent to the transmission line is to be filled as part of the development, then the blue flag iris plants must be relocated to the freshwater marsh and created lakes to the extent possible.

Open Space:

The Master Concept Plan (MCP) states 40% or 30.02 acres of open space required. The provided open space is 32.68 acres including 18.6 acres of indigenous preservation. The open space statements and delineated preserves meet the requirements of LDC Sections 10-415 and 34-935(g)(1)(a)

Protected Species Survey:

A protected species survey of Lee County listed species meeting the requirements of LDC Section 10-473 was conducted by Boylan Environmental Consultants. The listed species observed included sandhill crane, little blue heron, snowy egret and tricolored heron. No nests or nest-like structures were observed.

ES staff field verified the protected species survey during the March 2000 site inspection. ES staff confirmed the results of the survey.

Protected Species Management Plan:

A sandhill crane management plan was submitted by Boylan Environmental Consultants entitled "Management Plan for Listed Species - Kraizgrum 77 acres" dated October 5, 1999. The herbaceous wetland will be preserved to provide open land for the sandhill crane. Additionally, the forested wetlands will be preserved in order to provide possible roosting habitat.

Two lakes are proposed. The stormwater lake design standards per LDC Section 10-418 require stormwater lakes to mimic a natural system. These standards establish slope and littoral planting requirements. The addition of draw down pools along the lake shorelines would provide foraging areas for sandhill cranes during periods of low water. Therefore ES staff recommend the following condition:

The sandhill crane management plan included in the "Management Plan for Listed Species - Kraizgrum 77 acres" prepared by Boylan Environmental Consultants dated October 5, 1999 is hereby adopted with the following condition: Prior to local development order approval, the development order plans must include a littoral planting plan per LDC Section 10-418 for any proposed lakes. The shoreline of these lakes must be designed to include draw down pools to provide foraging areas for wading birds during periods of low water.

The conditioned sandhill crane management plan will provide suitable management for the other listed wading birds observed on-site.

Buffering Note:

The MCP includes the following Buffering Note: All required buffers and landscaping will be addressed in the Landscape and Buffering Plan (per LDC Section 10, Article 3, Division 6), or the Alternate Landscape Betterment Plan (per LDC Section 10-419), to be submitted during the development order approval process.

ES staff requested this note be deleted in the sufficiency comments dated January 6, 2000. ES staff indicated that any landscape or buffer requirement that cannot be met should be addressed through a deviation request and justification. The applicant replied that at this time, the applicant is not aware of any specific landscape or buffer requirement that cannot be met, therefore no landscape or buffer related deviations have been requested. The applicant does however wish to retain the option of utilizing an Alternate Landscape Betterment Plan should the need arise at a later date.

Development Services staff review buffers and any deviation from a buffer requirement during the rezoning process as an issue related to compatibility. However, ES staff review buffers for compliance to the LDC requirements and zoning resolution conditions during the development order review process. Therefore ES staff recommend that a condition be included that limits the use of an Alternate Landscape Betterment Plan to landscaping requirements internal to the project and not include any alteration to buffering requirements per the LDC or zoning resolution.

MEMORANDUM

FROM THE

DIVISION OF PUBLIC SAFETY

EMERGENCY MANAGEMENT

LEE COUNTY
RECEIVED

00 APR 18 PM 2:21

COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

DATE: April 17, 2000

TO: Bryan Kelner, Zoning Manager
Division of Zoning and Development Services

FROM: Gene Hurst *Y.H.*
Planning Coordinator

RE: Development of County Impact (DCI)

REVIEW AND RECOMMENDATIONS

Project: Buckingham Gardens Apartments RPD

Request: AG-2 to RPD

Location: The project addresses are 2951 and 3021 Buckingham Road. This parcel of land is located approximately .5 mile south of Palm Beach Blvd. (State Route 80, on the east side of Buckingham Road, in Sections 28 & 33, Township 43 South, Range 26 East, in Lee County, Florida.

Petitioner: David Krausgrun

Agents: Source, Inc. - James P. Elliott, P.E., President

Case #: DCI1999-00024

1. HURRICANE VULNERABILITY

According to the National Weather Service's storm surge model "SLOSH", which reflects a composite of the maximum extent of flooding that may be caused by each hurricane category, this site is subject to salt water storm surge flooding as shown below.

<u>Category of Hurricane</u>	<u>Sustained Winds (MPH)</u>	<u>SLOSH Surge Height Feet above MSL)</u>
Trop. Storm	39-73	Dry
1	74-95	Dry
2	96-110	Dry
3	111-130	17.5
4/5	131-155	24.5

Evacuation of this site could be necessary prior to landfall of a category three hurricane. The natural ground elevations in this tract of land range from about 9.1 (NGVD) to 12.6 feet (NGVD). Storm surge flooding depth on this site could range from 4.9 feet to 8.4 from a category three (3) hurricane. This information does not include the potential for freshwater flooding from the heavy rainfall with tropical storms and hurricanes.

ATTACHMENT D

Hurricane Vulnerability continued

The subject property is shown on the National Flood Insurance Rate Map (FIRM), panel 125124-250 B, as not being located in an area of special flood zone, with a required first floor elevation above NGVD (MSL). If it should become necessary to evacuate the proposed location, either due to storm surge flooding, or hurricane winds, or the combined effects of both, the impacts on evacuation time and shelter space are calculated below.

300 Multi-family units are proposed:

300 multi-family units x 2.25 people/occupied unit x 97% occupancy rate = 655 people evacuating

300 multi-family units x 97% occupancy x 1.1 vehicles/occupied unit = 320 evacuating vehicles

In the 1991 study, "Hurricane Behavioral Analysis for Lee County", twenty-one percent of the county's residents indicated they would choose to evacuate to a public shelter. Lee County public shelter standards are defined as twenty (20) square feet per person. Shelter space requirements based on these criteria are calculated below:

300 multi-family units are proposed:

655 people evacuating x 21% = 138 people seeking public shelter

138 people x 20 square feet = 2760 square feet of shelter space

The ultimate point restricting evacuation is Palm Beach Blvd. (S.R.80), which has an evacuation capacity of 1766 vehicles per peak hour level of service. Since the proposed development will be generating 320 evacuating vehicles, the impact on evacuation time is calculated below:

The proposed development is projected to generate 320 vehicles, which when divided by the road capacity of 1766 vehicles per hour and multiplied by sixty (60) results in adding 11 minutes to the existing evacuation time.

2. EMERGENCY MEDICAL SERVICE

This proposed development site is within the area of jurisdiction in which service is provided by Lee County Emergency Medical Service (EMS). The Lee County EMS is a state licensed advanced life support (ALS) provider and operates under the provisions of chapter 401 of the Florida Statutes. Response time cannot be guaranteed due to any number or combination of environmental and operational factors, such as, but not limited to, weather, traffic, road conditions and unit availability. In the event the Lee County EMS unit assigned to this area is unavailable, response will be achieved from the nearest available unit or the helicopter ambulance stationed at Page Field, which operates twenty-four (24) hours a day providing weather conditions are favorable.

3. FIRE PROTECTION

This site is within the area of jurisdiction in which service is provided by the Fort Myers Shores Fire District.

4. HAZARDOUS MATERIAL MANAGEMENT

The proposed development's schedule of uses shown on the Master Concept Plan, does not indicate that the developer is planning to establish at this time use(s), manufacture and/or storage of hazardous materials on this site. If these uses are initiated on-site later, the developer/end user must establish a system to promptly notify local and state officials, if a release of a hazardous material occurs.

5. RECOMMENDATIONS

The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.

A. General Hurricane Mitigation

1. The applicant shall initiate the establishment of a homeowner's or resident's association. The organization shall provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards. (Reference Goal 71, Objective 71.1, Policy 71.2, Goal 79, Objective 79.1, 79.1.1, Goal 80, Policy 80.1.3; Lee County Comprehensive Plan - 1999)
2. The applicant shall formulate an emergency hurricane notification and evacuation plan for the development, which shall be subject to review and approval by the Lee County Office of Emergency Management. (Reference Goal 71, Objective 71.1, Policy 71.1.2, Goal 80, Policy 80.1.4; Lee County Comprehensive Plan - 1999, and Administrative Code AC 7-7, Section B-1 and B-2 - 1998).
3. Until such time as the County has instituted a county-wide hurricane impact mitigation policy, the Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety. These means could include the provision of equipment, monies-in-lieu of equipment, or such other goods, materials or actions deemed appropriate by Public Safety/Emergency Management that results in the provision of additional shelters, or improvement of

General Hurricane Mitigation continued

roads for use as additional evacuation routes. The choice of "means" will rest with the Developer, so long as the choice adequately mitigates the adverse impacts.

B. Emergency Medical Service

1. The applicant shall provide for the emergency medical service impacts generated by the proposed development as defined by the Lee County Development Code Chapter Two, Division 5. (Reference Goal 43, Objective 43.2, Policy 43.2.2; Goal 45, Objective 45.3, Policies 45.3.1 and 45.3.2; Lee County Comprehensive Land Use Plan - 1999.
2. If access to this development is through a security gate or similar device, which is not manned twenty-four hours a day, it must be equipped with an override switch installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry. (Reference Goal 45, Objective 45.2, Lee County Comprehensive Land Use Plan - 1999 and Section 34-1749, (2) a. and (2) b. Lee County Land Development Code - 1999).

C. Fire Protection

The applicant shall provide for the fire protection impacts generated by the proposed development as defined by Lee County Development Code Chapter Two, Division 5 (Reference 43, Objective 43.1, Policy 43.1.5, Objective 43.2, Policies 43.2.1 and 43.2.2; Goal 45, Objective 45.3, 45.3.2, Lee County Comprehensive Land Use Plan - 1999).

References: Lee County Comprehensive Land Use Plan - 1999
Lee County Land Development Code - 1998
Hurricane Behavioral Analysis for Lee County - 1991
SWFLA Regional Hurricane Evacuation Plan - 1995
Superfund Amendments and Reauthorization Act- 1986
Administrative Code AC 7-7 - 1998

cc: John Wilson, Director of Public Safety
David Saniter, Emergency Management Programs Manager
John Campbell, Chief of Planning
DCI File



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102 • FAX (941) 337-8378

RECEIVED
MAR 07 2000

ZONING COUNTER

March 6, 2000

Mr. Bryan Kelner
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Buckingham Garden Apartments, DCI Substantive Review, Case # 1999-00024

Dear Bryan:

Thank you for the opportunity to review the Buckingham Garden Apartments project for substantive comments with regard to educational impacts. This proposed development is in the East Region of the District. Based on the proposed maximum total of 300 residential dwelling units at the project, the Lee County School District is estimating that the proposal could generate between 39 and 93 additional school-aged children, using a generation rate range of .13 to .31 students generated per dwelling unit. This would create the need for approximately 2 to 4 new classrooms in the system, as well as additional staff and core facilities. The project will possibly generate additional traffic congestion on Buckingham Road that will need to be monitored to ensure that the Buckingham Exceptional School and Riverdale High School are not impacted.

Thank you for your attention to this matter. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Facilities Management and Capital Projects

cc: Frederick Gutknecht, Director, Facilities Management and Capital Projects
Dr. Ande Albert, Assistant Superintendent for Support Services
file

ATTACHMENT E

PATRICIA ANN RILEY
CHAIRMAN • DISTRICT 3
KATHERINE BOREN
VICE CHAIRMAN • DISTRICT 4
TERRI K. WAMPLER
DISTRICT 1
LANNY MOORE, SR.
DISTRICT 2
LISA ROCKRUB
DISTRICT 5
BRUCE HARTER, PH.D.
SUPERINTENDENT
KEITH B. MARTIN
BOARD ATTORNEY

RATIONALE FOR DEVIATION

- 1) Deviation from LDC Section 10-291(3) which requires (when practical) that residential developments of more than five (5) acres in size provide two (2) or more means of ingress or egress into the development, to allow the project to be constructed with a single ingress / egress connection.

The project site includes 75± acres but only includes 737± feet of frontage along Buckingham Road. There is a 100' wide FPL easement that runs along the entire north property line, and hinders the possibility of providing any access connection to Drawdy Road to the north. Should permission from FPL be obtained to cross their 100' easement, the connection would only provide an additional access point to Buckingham Road approximately 1800 feet north of the one access that is proposed. There are no other roads to connect to along the south and east property boundaries. In addition to the physical restraints to provide more than one ingress / egress access connection, the project site would tend to have greater security with a single entrance roadway.

RECEIVED
MAY 19 2000

RATIONALE FOR DEVIATION

PERMIT COUNTER

- 2) Deviation from LDC Section 10-416(d)(6) which requires that a solid wall or combination berm and wall not less than eight feet in height be constructed not less than 25 feet from an abutting property when roads, drives, or parking areas are proposed to be located within 125 feet of an existing residential subdivision or residential lot, to eliminate this requirement in exchange for providing a Type "B" buffer, centered a minimum of 100 feet from the abutting property with no proposed development to occur within the area between the buffer and the adjacent property line.

The project site includes a 100' wide FPL easement along the subject northern property line which abuts an existing single family residential subdivision. Within the project site are various wetland areas which are proposed to be preserved. In order to connect the development areas within the project, a roadway has been proposed to pass between the 100' FPL easement and "skirt" one of the wetland areas near the center of the project site. Since this proposed roadway passes within 125 feet of an existing residential subdivision, it is subject to the requirements of LDC Section 10-416(d)(6), however because of the 100' wide FPL easement, it is not physically possible to locate a wall or combination berm / wall within 25' of the existing residential subdivision. Since the purpose of this regulation is to provide for alternate measures to "protect" existing residential developments from impacts from vehicular traffic when a reasonable separation cannot be maintained, It is our contention that since no development will occur within the 100' wide FPL easement, and a vegetative buffer will be established between the pavement and the FPL easement, adequate "protection" to the existing residential development is provided.

Commentary on 7.5' overlap of "B" buffer into existing 100' FPL easement:

The MCP depicts a 7.5 feet wide strip of land being reserved between the existing 100' FPL easement and the proposed 35' wide street right-of-way. This strip will permit the 15' wide buffer to overlap into the 100' FPL easement by 7.5 feet and fulfill the requirements of the code, per LDC Sec. 10-421(a)(2) & (5).

DCI 1999-00024



SOURCE, INC.
Engineers - Planners

James P. Elliott, P.E., President
Timothy Pugh, P.E., Vice Pres.
1334 Lafayette Street
Cape Coral, FL 33904
(941) 549-2345
Fax (941) 549-6779

Exhibit II-E-1j
Narrative / How property complies with Lee Plan
Buckingham Apartments RPD

The 75 ± acre property is located along the east side of Buckingham Road just to the south of the Riverdale Shores Subdivision. It is located within 3/4 of a mile from the intersection of Buckingham Road and Palm Beach Boulevard (SR-80). Within this area there are a mixture of schools, commercial uses and single family residential homes. Sufficient infrastructure (i.e. sanitary sewer and potable water facilities, etc.) is in place at the periphery of the project site.

Approximately 85% of this property is classified on the Lee Plan as suburban. The remaining 15% of the site in the southeastern corner is classified as rural. The majority of the "rural" designated portion of the project site contains freshwater wetlands that will be preserved as part of the open space requirements of the site. The overall density of the proposed residential apartment community will be approximately four dwelling units per acre which is comparable with the adjacent single family (7500 SF lots) subdivision. The proposed use of clustered multi-family units allows for larger open space areas, that greatly benefits the preservation of the freshwater wetlands.

By definition, the suburban land use classification is set up to provide residential areas. The physical characteristics of the site (wetland pockets) lends itself to the development of a "clustered" residential product rather than a conventional single family lot subdivision. This zoning request is not being made as a result of any "changed or changing condition", it is made because the current zoning district (AG-2) does not allow for a the specific land use that is desired (multiple family apartments). We are not aware of anything about the proposed apartment development that may be inconsistent with any Lee Plan goal, objective, policy or intent.

With respect to LDC Sec. 34-145(d)(3), the proposed RPD rezoning request, with a schedule of uses limited to only those that are consistent with a (two-story, 35' max. height) multi-family residential apartment community, is in compliance with the Lee Plan, the Land Development Code, and any other applicable code and/or regulation that we know of. There are no performance or locational standards that the specified use (multi-family apartments) must comply with. The project as proposed, is well within the allowable range of density, intensity and general uses set forth by the Lee Plan. The project is not only consistent with existing and proposed surrounding uses, it also provides safe and affordable rental housing in an area where such a need exists. The Traffic Impact Statement indicates that the existing roadways serving the project site, have sufficient capacity and will not be subjected to undue burden from this proposed use.

ATTACHMENT G

189068

[illegible]

DEED 278 PAGE 235

This Indenture

Made this 4th day of December, A. D. 1957.
Between **FOUR MILES EIGHT CORP.** (former name
FOUR MILES EIGHT CORP.)
a corporation existing under the laws of the State of Florida,
having its principal place of business in the County of
State of Florida party of the first part, and
Dade and

JOSEPH CONSTRUCTION CORP., a Florida corporation,
c/o Shapiro and Fried, 420 Lincoln Road, Miami Beach, Florida,
of the County of Dade and State of Florida,
party of the second part,

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate, lying and being in the County of Alameda, State of Florida, to wit:

All that portion of the South Half of the South Half of the Southeast Quarter of Section 25 lying South of the former (now abandoned) Seaboard Air Line Railroad Company right-of-way, all that part of the South Half of the Southwest Quarter of the Southeast Quarter and the South Half of the South Half of the Southwest Quarter of Section 26 which lies South of the former (now abandoned) Seaboard Air Line Railroad Company right-of-way, all that part of the South Half of the South Half of the Southeast Quarter of Section 27 which lies South of the former (now abandoned) Seaboard Air Line Railroad Company right-of-way, (CONTINUED ON RIDER ATTACHED AND MADE PART HEREOF)

In Witness Whereof, the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its
the day and year above written,

(Corporate
(Sppl))

FORT MYERS HEIGHTS DEVELOPMENT CORP.
(former name LEE-DADE PROPERTIES, INC.)

(Corporate Seal)  FOR (fo

By Martin J. Shi
President.

Signed, Sealed and Delivered in Presence of:

Five graphs
Haley A. Leath

State of Florida,

County of **DADK**

County of Dade
I HEREBY CERTIFY, That on this 4th day of December A.D. 1957,
before me personally appeared MARTIN ELUM, President and Secretary
EDWARD A. OSIER, a corporation
respectively of PORT MYERS WEIGHTS DEVELOPMENT CORP.,
under the laws of the State of Florida, to me known to be the
persons described in and who executed the foregoing conveyance to

JOSEPH CONSTRUCTION CORP., a Florida corporation,
and severally acknowledged the execution thereof to be their free act and deed as
such officers, for the uses and purposes therein mentioned; and that they affixed
thereto the official seal of said corporation, and the said instrument is the act and
deed of said corporation.

WITNESS my signature and official seal at Miami Beach, and State of Florida, the day and year last aforesaid.

Reva Frank
Notary Public
My Commission Expires _____

History Public State of Florida
 Department of Archives and History
 1777

LA BROTHER
SHAPIRO AND FRIED
and LINDEN BROS
11411 BEACH BL. PLUMMER

DEED 278 PAGE 236

RIDER ATTACHED TO AND MADE PART OF WARRANTY DEED DATED NOVEMBER 1957, made by FORT MYERS HEIGHTS DEVELOPMENT CORP. (former name LEE-DADE PROPERTIES, INC.) to JOSEPH CONSTRUCTION CORP.

DESCRIPTION CONTINUED:

and that part of the South Half of the Southwest Quarter of the Southwest Quarter of Section 27 which lies South of the former (now abandoned) Seaboard Air Line Railroad Company right-of-way in Section 27, and the Southeast Quarter of the Southeast Quarter of the Southwest Quarter in Section 27 less the former (now abandoned) Seaboard Air Line Railroad Company right-of-way, the North Half of Section 34, the North Half and the Southwest Quarter and the South Half of the Southwest Quarter of the Southeast Quarter in Section 35, all of Section 36, all of said property lying and being in Township 43 South of Range 26 East; together with an easement for roadway purposes 100 feet in width, said easement extending 50 feet as measured on a perpendicular on each side from the center line which is the dividing line between Sections 28 and 33 and extending from the Easterly side of the old Buckingham-Olga Road known as Road No. 80-S to the East line of said Sections 28 and 33 in Township 43 South of Range 26 East, same to be a perpetual easement to be used for road purposes by the grantor and the grantees herein and their successors and assigns; subject to a reservation reserving a permanent easement in and to a tract of land one (1) acre square, being 210 feet by 210 feet, in the Southwest corner of the North Half of said Section 34 described above for the purpose of ingress and egress to and from the North Half of Section 33 in Township 43 South, Range 26 East and the South Half of said Section 34 in Township 43 South, Range 26 East, provided, however, that if, at some future date, a road of 50 feet in width or greater width is dedicated in Lee County, Florida, as a public road connecting the said two parcels in Sections 33 and 34 and subsequent to said dedication and acceptance by Lee County, Florida, or if the said dedicated road is abandoned, that then said easement herein reserved shall become null and void.

SUBJECT TO THE FOLLOWING:

That purchase money mortgage made by Lee-Dade Properties, Inc. to M.H. Hunter, dated November 16, 1956 and recorded November 16, 1956 in Mortgage Book 150, at Page 395, of the Public Records of Lee County, Florida;

That mineral royalty interest made by Lee-Dade Properties, Inc. to M. H. Hunter, dated November 16, 1956 and recorded November 16, 1956 in Misc. Book 43, at Page 35, of the Public Records of Lee County, Florida;

Covenants, restrictions and easements of record, zoning ordinances and taxes for the year 1957 and thereafter;

DEED 278 PAGE 237

Florida Power & Light Company easement, recorded in Deed Book 234, at Page 26, of the Public Records of Lee County, Florida;

Right of way and easement agreements of Florida Power & Light Company of record;

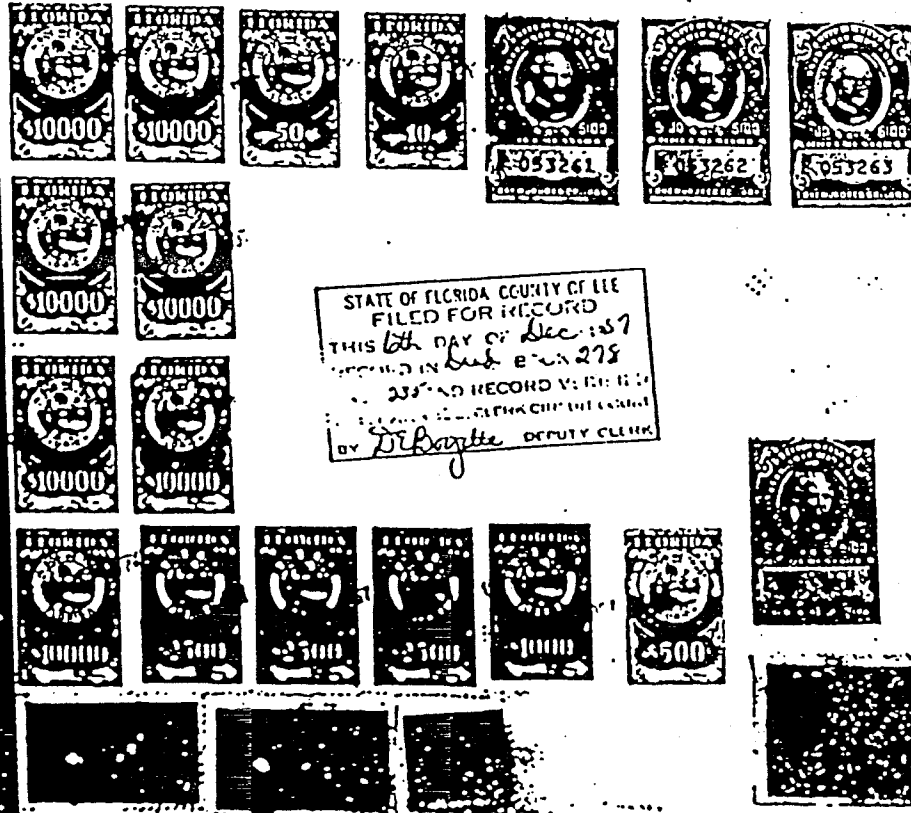
Public roads, reservations, easements or dedications for roads and outfall or drainage ditches and reservations, easements or dedications for drainage ditches, of record;

Oil, gas or mineral rights of Humble Oil and Refining Company as same may affect that part of the South Half of the South Half of the Southwest Quarter which lies South of the Railroad right-of-way in Section 26, and the 100 foot wide road easement along the dividing line between Sections 28 and 33; and oil, gas or mineral reservations in and on the land constituting the former S.A.L. Railroad right-of-way in Sections 25, 26 and 27, of record;

Any question of title as to the former S.A.L. Railroad right-of-way in Section 25 and the South Half of the land constituting the said former Railroad right-of-way in Sections 26 and 27;

Title to fence and fence posts and grazing rights, which rights do not extend beyond 90 days from date hereof;

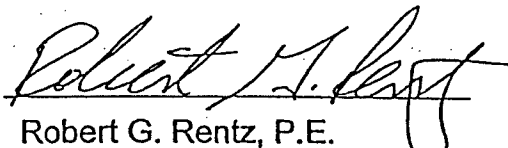
Purchase money mortgage made by Joseph Construction Corp. securing note in the principal sum of \$230,200.00.



MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: April 13, 2000

To: Bryan Kelner
Zoning Manager

FROM: 
Robert G. Rentz, P.E.
Development Review
Engineer

RE: Buckingham Gardens
Case # DCI1999-00024

After reviewing the revised Master Concept Plan, date stamped received March 24, 2000,
I offer the following comments.

Deviation No. 1 (two access points)

I recommend APPROVAL of this request, with the Condition that a secondary, emergency access point be provided. This can be a sodded, stabilized connection, with some type of "breakaway" gate. It appears that a logical location for this connection would be where the internal accessway closely parallels Buckingham Rd.

The MCP states that the building setback from lakes will be 20 feet. A deviation will be necessary, to reduce this setback from 25 feet to 20 feet.

ATTACHMENT I

BGR

S:\WRITERS\RENTZ\RG\DCI9900024\SUBSTANTIVECOMMENTS

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: May 16, 2000

To: Bryan Kelner
Zoning Manager

FROM: Robert G. Rentz
Robert G. Rentz, P.E.
Development Review
Engineer

RE: **Buckingham Gardens**
Case No. DCI1999-00024
Zoning Traffic Impact Statement

The Zoning Traffic Impact Statement for the referenced project was resubmitted on May 10, 2000. This Zoning Traffic Impact Statement now meets the requirements of the Zoning Traffic Impact Statement guidelines adopted on April 15, 1992. Therefore, the Zoning Traffic Impact Statement is now considered acceptable and is approved, with the following comments.

1. The background traffic volumes shown in Table 2a and 2b seem to be slightly in error. This will also effect the volumes on Sheet No. 7 & 8 of 8, and on Sheet No. 2 of 2.
2. The 2004 Peak Season With Development, both directions and northbound, LOS for Buckingham Rd. should be D, instead of C.
3. On Sheet No. 4 the project is distributed 52% north and 48% south. However, it is stated on Page 2 that the directional splits will be 53% north and 47% south. This will also change the volumes on Sheet No. 6 slightly.
4. On Sheet No. 7 the PK. HR., PK. DIR. volume is slightly higher than shown.

The above items can be corrected at the time of Development Order submittal.

BGR
S:\WRITERS\RENTZRG\DCI199900024ZTIS#4

ATTACHMENT J

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: May 12, 2000

To: Bryan Kelner
Zoning Manager

FROM: Robert G. Rentz
Robert G. Rentz, P.E.
Development Review
Engineer

RE: Buckingham Gardens
Case # DCI1999-00024

The proposed development consists of 300 residential apartments. The project is expected to generate 1,9332 new trips per day with 152 occurring in the AM peak hour and 181 occurring in the PM peak hour.

Based on the 1999 Lee County D.O.T. Traffic Count Report the 1999 peak season, peak hour, peak direction volume of flow is 275 vehicles per hour. At this volume Buckingham Road provides LOS C.

Normal background growth of traffic over the estimated four (4) year build out of this project, to year 2004, will result in a peak season, peak hour, peak direction volume of flow of 306 vehicles per hour. At this volume Buckingham Road provides LOS C.

When the project traffic is added to the anticipated build out background traffic the peak season, peak hour, peak direction volume of flow will be expected to increase to approximately 395 vehicles per hour. At this volume Buckingham Road provides LOS D.

BGR
S:\WRITERS\RENTZRG\DCI199900024TRAFFIC

ATTACHMENT K

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Matthew D. Uhle, Esquire, filed an application on behalf of the property owner, William Schulman, Trustee, Calverton Links, to rezone a parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hawk's Haven; and

WHEREAS, a public hearing was advertised and held on August 18, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-03-066.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on October 18, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 1,797.45± total acres of land from AG-2 to RPD to permit a maximum of 1,598 dwelling units in a mix of housing types, within a golf course community. Buildings are not to exceed 35 feet in height within a maximum of three stories. The property is located in the Rural, Suburban and Wetlands Land Use Category and described in attached Exhibit A. The request is APPROVED in accordance with the conditions and deviations specified in Sections B and C.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Hawk's Haven," stamped received July 15, 1999, last revised 07/02/99, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office

10/18/99

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only)

Club - country and private

Consumption on Premises - limited to one in the clubhouse area

Dwelling Units - maximum of 1,598 units to be comprised of single-family, two-family attached, townhouse, multiple-family, zero-lot-line units (densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed).

Entrance Gates and Gatehouse

Excavation, Water Retention

Fences and Walls

Golf Course

Golf and Tennis Pro Shops (limited to ancillary use in clubhouse)

Golf Driving Range

Golf Training Facility

Model Home and Model Unit - must be in compliance with LDC §34-1954 only,

Model Display Center, must be in compliance with LDC § 34-1955, limited to one which must be located in the sales center area shown on the MCP and must only serve this project

Parks, Group I

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in § 34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding ten years from the date the Certificate of Occupancy for the sales office is issued [if Deviation (2) is approved, otherwise the Real Estate Sales Office use is valid for five years from the date the Certificate of Occupancy for the sales office is issued]. The director may grant one 2-year extension at the same location.

Recreational Facilities - Private, On-site only

Residential Accessory Uses - In compliance with LDC §622(c)42 and LDC Article VII, Division 2

Signs, in compliance with LDC Chapter 30

Storage, Open, recreational vehicles, boats and similar items for residents only, limited to locations shown on the MCP and must be shielded behind a continuous visual screening at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement

- b. Site Development Regulations - Limited to the standards shown in Attachment B, except that a minimum of 20 feet will be maintained for stacking in driveways.

Maximum Height: Three stories, or 45 feet, whichever is the lesser amount

c. **Commercial uses are limited to the following:**

If the Golf Driving Range is open after daylight hours, all lighting must comply with LDC §34-936(g), be of the lowest intensity meeting life safety codes, and shielded and directed away from any adjacent residential area.

3. The following conditions address environmental issues:

- a. The "American Alligator Management Plan" provided as part of the "Protected Species Management Plan for Schulman Parcel" counter stamped May 19, 1999 is hereby adopted. Prior to local development order approval, the location of the American alligator management plan signage must be delineated on the development order plans for Division of Planning, Environmental Sciences review and approval. The warning signs must be placed where there is potential for human/alligator interaction. These signs must discourage the feeding or harassment of alligators.
- b. The "Gopher Tortoise Management Plan" provided as part of the "Protected Species Management Plan For Shulman Parcel" counter stamped May 19, 1999 is hereby adopted. If gopher tortoises are moved out of harm's way utilizing the "bucket trapping method," all buckets must be checked for tortoises a minimum of three times a day. An alternative method of tortoise relocation may be proposed (with details) at the time of local development order submittal. Any revisions to the tortoise management plan are subject to Division of Planning, Environmental Sciences review and approval.
- c. The "Florida Burrowing Owl Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999 must be revised for Division of Planning, Environmental Sciences staff review and approval at the time of local development order submittal. The plan must either commit to preserving the existing burrowing owl burrows in place with a buffer per LDC Appendix H, or commit to a detailed relocation management plan. Should the Applicant demonstrate it is necessary to impact the burrows, the management proposal must provide details about where appropriate replacement habitat for the owls will be provided, how the owls will be attracted to this area, and how it will be protected during construction activities on the site.
- d. A final detailed scrub jay management plan must be provided to the Division of Planning, Environmental Sciences for review and approval at the time of local development order submittal. This plan must follow the general guidelines of the "Florida Scrub Jay Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999. The finalized scrub jay management plan must be approved by the Florida Fish and Wildlife Conservation Commission (FWC) prior to local development order approval.
- e. Open space must be provided per the open space table on the MCP counter

stamped July 15, 1999. The open space table provides 643.9 acres of preserve area and lakes. The golf course tract provides 531 acres of open space. All individual tracts, excluding tracts of single-family lots greater than 6,500 square feet, must provide a minimum of 10 percent open space within the tract. Individual tract open space may be met with private open space.

- f. Indigenous open space must be provided per the "Impact and Mitigation Plan" dated February 22, 1999 revised May 5, 1999. The preserves must be delineated on the local development order plans when they are within or adjacent to the development phase or tract being developed.
 - g. Every effort must be made in the final design of the golf course and residential tracts to preserve large native trees. An on-site preconstruction meeting must be held with Division of Planning/Environmental Sciences Staff prior to the issuance of a vegetation removal permit for any phase of development to confirm preservation and barricading requirements prior to the initiation of site clearing.
4. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.
- a. The Applicant must establish a homeowners' or residents' association that will provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, who will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The Applicant must formulate an emergency hurricane notification and evacuation plan, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. If access to this development or any portions thereof, is through a security gate or similar device, which is not manned 24 hours a day, it must be equipped with an override strip installed in a glass covered box to be used by drivers of emergency vehicles to gain entry, consistent with LDC § 34-1749.
 - d. The Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen hurricane shelter impacts on the County's hurricane preparedness process and public safety. Those "means" could include the provision of equipment, monies in lieu of equipment, or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the Developer, so long as the choice adequately mitigates the adverse impacts.

5. The following conditions are included to address Lee Plan consistency issues:
- a. The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 1,499 dwelling units may be constructed in the Rural designated areas of the project.
 - b. Given the limited existing available Rural 2020 Planning Community Acreage Allocation at the time of rezoning, the available Rural allocation must be determined by the Planning Division, prior to any development order approval for residential use in the Rural portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In order to develop more Rural acreage with residential uses, the Lee Plan must be amended to change the Rural residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.
6. The following conditions are included to address concerns about the golf course:
- a. Fertilizers with a low leaching potential (slow release) must be used, must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
 - b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Planning Division Staff prior to the development order approval.

- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f. The golf course must comply with the "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
- h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
- j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- k. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Planning Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., water quality standards.
- l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the

application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

7. Model units and homes are permitted in compliance with the following conditions:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - b. All model sites must be designated on the development order plans; and
 - c. Prior to constructing model homes within Hawk's Haven, the lots upon which the model homes will be constructed will have been shown on a preliminary plat filed concurrently with the required local development order for this project. Such model home(s) will comply with all setbacks set forth within the Property Development Regulations for Hawk's Haven or the LDC, whichever applies. Should setback problems arise after construction of a model home, it will be the responsibility of the owner/developer to resolve the setback problem.
 - d. Dry models are prohibited..
8. In addition to the single access from S.R. 80, the developer must submit for review and subsequent approval, a plan that demonstrates whether there is a need for an emergency access to the project prior to the approval of any development orders for dwelling units after the first 584 units have been approved. If an emergency access is deemed to be necessary, documents must be submitted with the plan that demonstrate the project's legal ability to provide emergency access. The emergency access, if deemed to be necessary, will provide a connection to Buckingham Road. Any road used for emergency access must be constructed or improved to the degree required for the use of emergency vehicles. If it is determined that no emergency access is needed, the Applicant will meet the provision of LDC §10-291(3) LDC with the single access from S.R. 80.
9. Bona fide agricultural uses that are now in existence may continue until the development commences. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
10. Construction traffic must enter and exit this project from S.R. 80 until 200 units have been constructed in the project. Thereafter, construction access may be permitted from Buckingham Road (if the Applicant has maintained such an access). In no event, will construction traffic be permitted on Hickey Creek Road.

11. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
12. Approval of this zoning request does not address access onto S.R. 80, since Lee County has no jurisdiction over that roadway. The Developer must pursue this access approval with the Florida Department of Transportation (FDOT). Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
13. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
15. The applicant is required to design the project in a manner that will provide the internal "outparcels" (separate tracts encapsulated by the project property) the ability to obtain reasonable and practicable access through the subject property, unless the applicant provides a circuit court order indicating that the internal outparcels are not legally entitled to access through the subject property. However, this rezoning does not obviate the applicant/developer's responsibility to provide access to the internal "outparcels" in accordance with Florida law.
16. If the Developer constructs structures other than conventional single-family homes within 100 feet of any of the "out parcels," the Developer must provide a 25-foot-wide enhanced vegetative buffer completely around the out parcel. In addition, the enhanced vegetative buffer must utilize native vegetation, indigenous to the plant community in which it is to be planted. The vegetation must be installed prior to any vertical construction and it must be installed according to the following density and size:
 - a. Six trees per 100 linear feet - At installation, trees must be a minimum of 12 to 14 feet tall, with a 2½-inch minimum caliper and a 5-foot minimum canopy. No palm trees, or completely deciduous trees may be used to meet the requirements of this enhanced buffer.
 - b. Thirty-three shrubs per 100 linear feet - 1) At installation, all shrubs must be 18 to 24 inches in height, 3-gallon pots, and spaced 30 to 36 inches on center; and 2) all shrubs used to meet the enhanced buffer requirements must reach a mature height in excess of six feet under normal growing conditions.

If these "out parcels" come under the control of the Developer prior to construction within the 100-foot-wide area, then compliance with this condition is not required.

17. Vehicle access from the northern boundary of the subject property over and across Hickory Creek Road is prohibited.

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from the LDC §10-385(d)(3)(a) requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the spine road where no homes exist. This deviation is PARTIALLY APPROVED to allow the placement of a hydrant at the midpoint of each section along the "spine" road only where no homes will exist. For purposes of this Deviation, "section" is defined as the distance along the spine roadway between intersection roadways, measured along and from the roadway centerlines.

Deviation (2) seeks relief from the LDC §34-934, Note 23 requirement limiting the operation of a Real Estate Sales Office to five years, to allow the Sales Office to operate for a period of ten years to coincide with the expected buildout of the project. This deviation is APPROVED.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: The Master Concept Plan
- Exhibit C: Zoning Map

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the development will be served by streets with the capacity to carry the traffic the development generates.

4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. The requested deviations:
 - a. enhance the achievement of the objectives of the planned development;
 - b. preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety and welfare.
8. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Manning, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

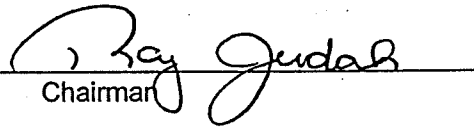
Ray Judah	AYE
John E. Albion	AYE
John E. Manning	AYE
Douglas R. St. Cerny	AYE
Andrew Coy	AYE

DULY PASSED AND ADOPTED this 18th day of October, 1999.

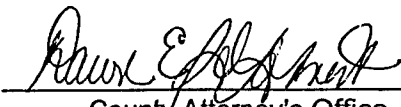
ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

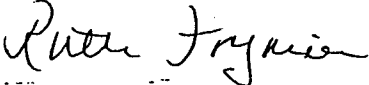
BY: 
Chairman

Approved as to form by:

 10/19/99
County Attorney's Office

MINUTES OFFICE

CASE NO:99-03-066.03Z 01.01



FILED OCT 21 1999

Z-99-056
PAGE 10 OF 10

EXHIBIT "A"

LEGAL DESCRIPTION

ALL OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 976, PAGE 551-554, LEE COUNTY PUBLIC RECORDS, LYING SOUTH OF STATE ROAD 80, ALL IN TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1: THE NW-1/4, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT TO AN EASEMENT TO FLORIDA POWER & LIGHT, AS DESCRIBED IN DEED BOOK 208, PAGE 67, LEE COUNTY RECORDS.

PARCEL NO. 2: THE NE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 5: THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 25, LYING SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS.

PARCEL NO. 6: ALL THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, AND THE S-1/2, OF THE S-1/2, OF THE SW-1/4, OF SECTION 26, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS.

PARCEL NO. 7:

- (A) ALL THAT PART OF THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY.
- (B) THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD RIGHT-OF-WAY, IN SECTION 27.
- (C) THE SE-1/4, OF THE SE-1/4, OF THE SW-1/4, IN SECTION 27, LESS THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS AND SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 8: THAT PORTION OF THE NW-1/4, OF THE NW-1/4, OF SECTION 27, LYING

SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80.

PARCEL NO.9: THAT PORTION OF THE W-1/2, OF THE NE-1/4, OF THE NW-1/4 OF SECTION 27, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SUBJECT TO A 70' LATERAL DITCH EASEMENT LEFT OF STATION 595+20, AS DESCRIBED IN DEED BOOK 175, PAGE 445.

PARCEL NO. 10: THE N-1/2, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 11:

- (A) THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, LESS THAT PORTION OF SECTION 27, ALONG THE EAST LINE OF THE WEST ONE-HALF THEREOF, TO THE SOUTH LINE OF THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, THEREOF; DEDICATED AS A PUBLIC COUNTY ROAD.
- (B) THE SW-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 12: THE S-1/2, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27.

PARCEL NO. 13: THE N-1/2, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 14: THE SE-1/4, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 15: THE W-1/2, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 16: THE SE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

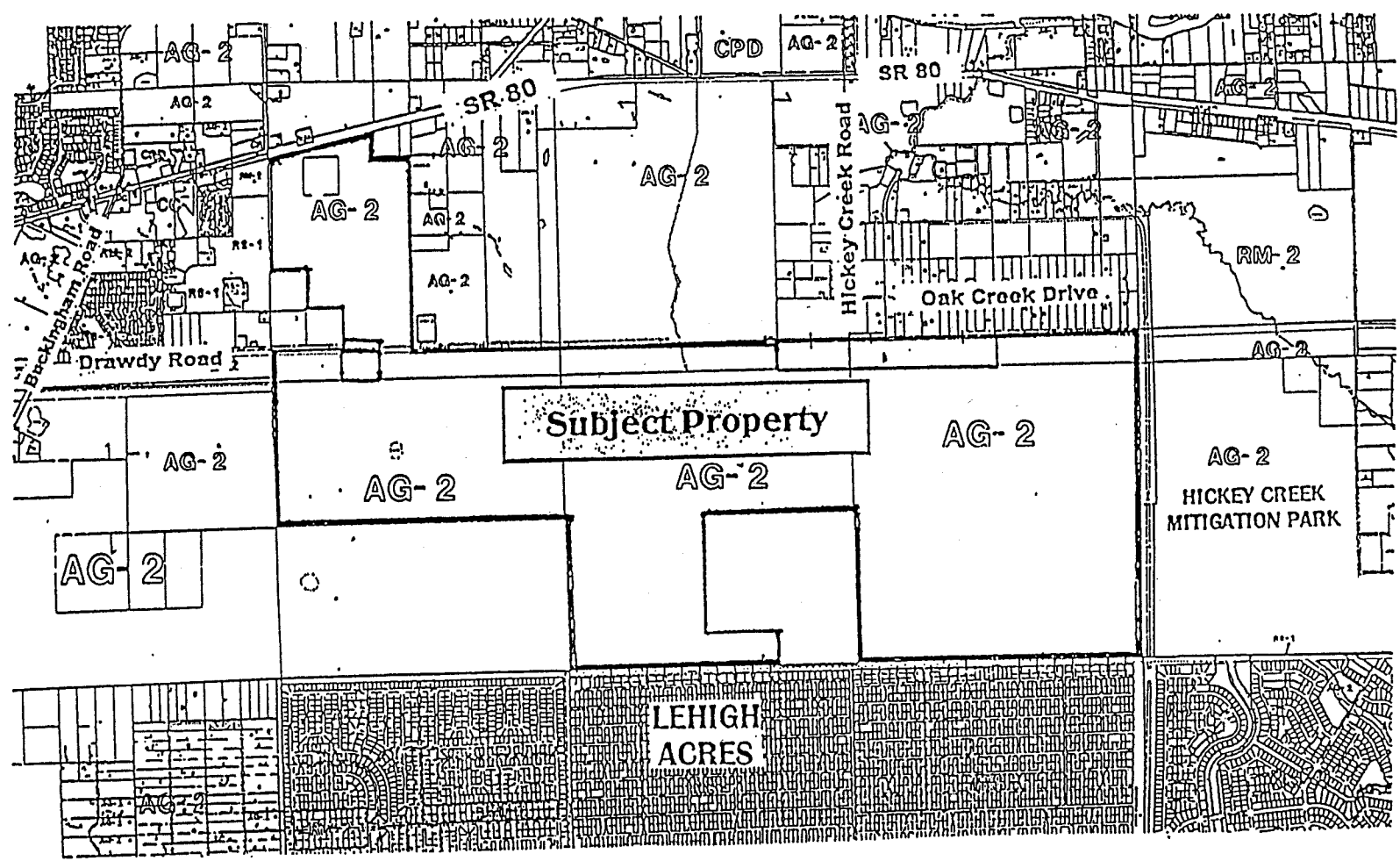
PARCEL NO. 17: THE N-1/2, OF THE SE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 18: THAT PORTION OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, NORTH OF THE SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY.

PARCEL NO. 19: THE N-1/2 OF SECTION 34.

ZONING MAP

N

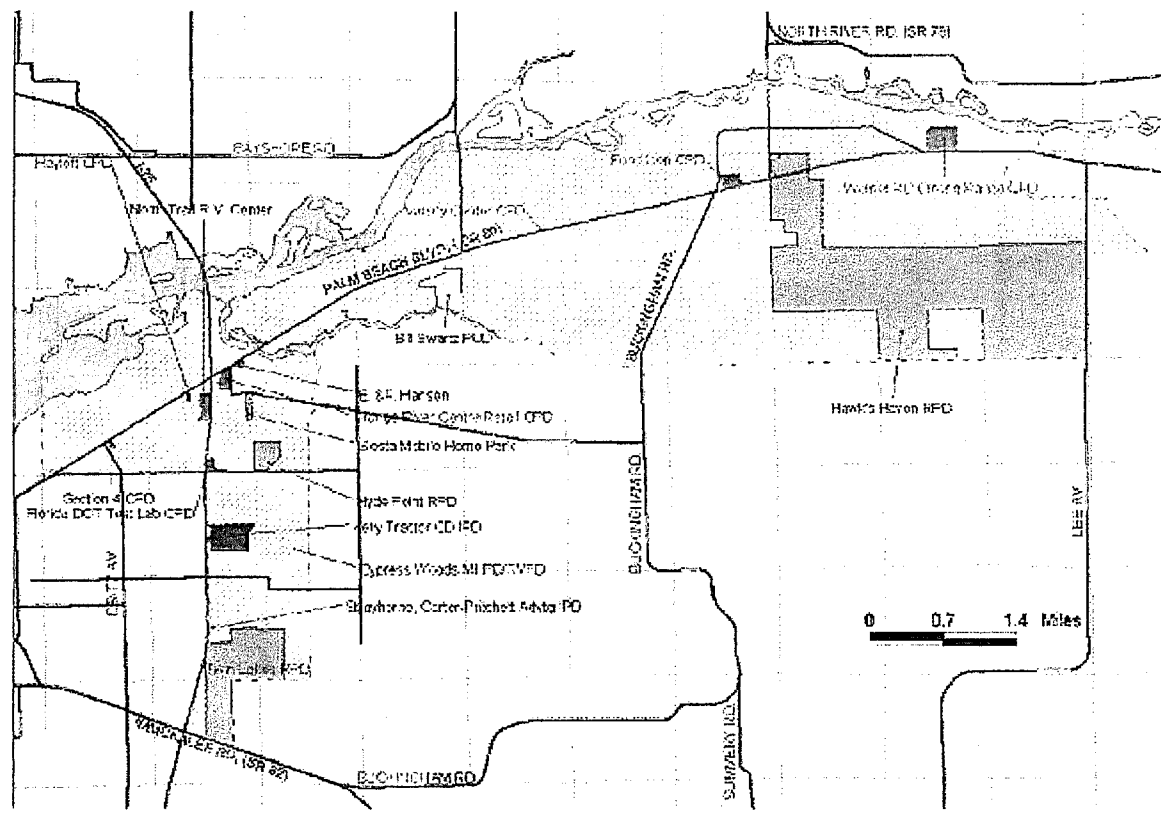


FORT MYERS SHORES PLANNING COMMUNITY

Select and Go!

Select Your Community ▾

Click to Zoom an Area


[Go Back to the main Planning Community Map](#)


AIRPORT AUTHORITY PLANNED DEVELOPMENT

COMMUNITY FACILITIES PLANNED DEVELOPMENT

RECEIVED
SEP 23 2000
PERMIT COUNTY

-  COMMUNITY FACILITIES PLANNED DEVELOPMENT
-  COMMERCIAL PLANNED DEVELOPMENT
-  INDUSTRIAL PLANNED DEVELOPMENT
-  MOBILE HOME PLANNED DEVELOPMENT
-  MIXED USE PLANNED DEVELOPMENT
-  PLANNED UNIT DEVELOPMENT
-  RESIDENTIAL PLANNED DEVELOPMENT
-  RECREATIONAL VEHICLE PLANNED DEVELOPMENT



Lee County Department of Community Development
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Lee County Department of Community Development



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Sections

Affordable Housing

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Comprehensive Planning

Data Resources

Other Info

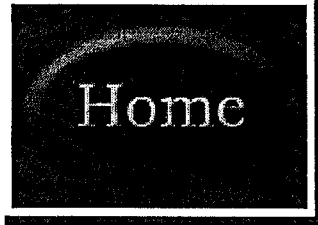
Planning Community of Fort Myers Shores

[Back to Planning Communities Map](#)

Year	Population
1998	12,617
2020*	15,135

* Forecast

Residential Use by Future Land Use Category	Allocation for Year 2020	Acreage	
		Existing	Available
Intensive Development (ID)	89	23	66
Central Urban (CU)	208	198	10
Urban Community (UC)	632	389	243
Suburban (S)	1,383	1,220	163
General Commercial Interchange (GCI)	6	7	-1
Rural (R)	454	282	172

What's New?

Wetlands (WL)	59	81	-22
Total Residential	3,450	2,236	1,214

		Acreage	
		Existing	Available
Other Uses	Allocation for Year 2020		
Commercial	257	181	76
Industrial	391	49	342

*Lee County Department of Community Development
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Lee County Department of Community Development



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Planning Community of Lehigh

Back to Planning Communities Map

Year	Population
1998	26546
2020*	91734

* Forecast

Residential Use by Future Land Use Category	Allocation for Year 2020	Acreage	
		Existing	Available
Central Urban (CU)	3804	2399	1405
Urban Community (UC)	9274	1389	7885
Rural (R)	10	1	9
Wetlands (RPA)	4	4	0
Total Residential	13091	3792	9299

Acreage

What's New?



Other Uses	Allocation for Year 2020	Existing	Available
Commercial	782	417	365
Industrial	298	67	231

Lee County Department of Community Development
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Hawk's Haven RPD

Development Type - PD

Status - Approved

Fort Myers Shores Planning Community

Project Approvals

Use	ACRES	UNITS	Square Feet	Note
ROW/Other	30.00		0	Road ROW
Residential Amenities	34.70		0	Golf Club, Rec. Area, and Information Center
Open Space/Parks	644.00		0	Includes ALL forms of open space (wetland, upland, lakes, indigenous, non-indigenous)
Non-County Golf Course	531.00		0	36 golf holes
Grand Total of Uses	1,239.70		0	
Residential				
Total Residential	557.90	1,598	0	Will likely contain 200-250 M.F. and the balance SF, duplex, and townhouse
Grand Total of Residential Uses	557.90	1,598	0	
Project Total	1,797.60	1,598	0	

Project Hearings

Resolution #	Hearing Date	Hearing #	Approved	S-T-R:	Notes
Z-99-056	10/18/99	99-03-066.03Z 01.01	Yes	25,26,27,34,35,3643 -26	Rezone AG-2 to RPD

Worksheet for the Fort Myers Shores Community

	O	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE
1		Year 2020 Allocations											
2	Future Land Use Designation	Residential		Commercial		Industrial		Public	Active Ag	Passive Ag	Conservation	Vacant	Assumed ROW Acreage
3		Acres	Units	Acres	Square Feet	Acres	Square Feet						
4		-	-										
5	Rural	454	258										808.32
6	Suburban	1,383	4,639										747.60
7	Central Urban	208	1,189										30.37
8	Industrial	-	-										20.84
9	Industrial Interchange	-	-										23.19
10	Public Facilities	-	-										-
11	Urban Community	633	1,706										148.61
12	General Commercial Interchange	7	22										4.22
13	Intensive Development	89	218										21.57
14	Rural Community Preserve	-	-										-
15	Wetlands	59	43										3.15
16	Mixed Land Use Designation	-	-										-
17	No Designation	-	-										-
18													
19		2,834	8,075	257	1,617,983	391	3,097,217	1,724	620	5,172	1,125	33	1,808
20		Existing Units	6,145	Occupied	Seasonal								
21		Additional Units	1,930	Units	Population	Units	Population						
22		Total Units in 2020	8,075	7,241	15,133	7,671	15,993	Total Unit Count	Percent over population projection difference				
23								37,789	125.00%				

APPENDIX G.3

Worksheet for the Fort Myers Shores Community

	O	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS
1		Additional Development By 2020										
2	Future Land Use	Residential		Commercial		Industrial						
3	Designation	Acres	Units	Acres	Square Feet	Acres	Square Feet	Public	Active Ag	Passive Ag	Conservation	Vacant
4		-	-									
5	Rural	137	109									
6	Suburban	87	304									
7	Central Urban	2	12									
8	Industrial	-	-									
9	Industrial Interchange	-	-									
10	Public Facilities	-	-									
11	Urban Community	94	365									
12	General Commercial Interchange	-	-									
13	Intensive Development	-	-									
14	Rural Community Preserve	-	-									
15	Wetlands	-	-									
16	Mixed Land Use Designation	-	-									
17	No Designation	-	-									
18												
19		319	790	106.88	750,000	351.97	2,956,588	1,005.74			0	(2,035)
20					106%							
21												
22												
23												

Worksheet for the Fort Myers Shores Community

	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH
1		Assumptions and Guidelines							Undeveloped Approvals						Undeveloped Approvals with no 2010 Disclaimer					
2	Future Land Use Designation	units per acre		% Residential	Potential Residential Acres	Assumed Residential Acres	Assumed Unbuilt Residential	Assumed non-residential acres remaining	Residential		Commercial		Industrial		Residential		Commercial		Industrial	
3		Lee Plan	Historical						Acres	Units	Acres	Square Feet	Acres	Square Feet	Acres	Units	Acres	Square Feet	Acres	Square Feet
4		0	-	0	0	0	0	-												
5	Rural	0.8	0.47	0.3465	3514.44	1135.5646	909	3,378												
6	Suburban	3.5	3.34	0.6853	3250.45	2254.0036	7,889	3,096	67	385										
7	Central Urban	5.75	5.71	0.616	132.05	31.89544	183	129	1	27										
8	Industrial	0	-	0	90.63	0	0	91												
9	Industrial Interchange	0	-	0	100.83	0	0	101												
10	Public Facilities	0	-	0	0	0	0	-												
11	Urban Community	3.9	2.49	0.6468	646.14	495.31508	1,932	426	127	581										
12	General Commercial Interchange	0	3.17	0	18.34	-6.93	0	18												
13	Intensive Development	2.58	2.45	0.385	93.78	43.6634	113	37	57	147										
14	Rural Community Preserve	0.8	-	0.3465	0	0	0	-												
15	Wetlands	0	0.72	0	13.7	-59.44	0	14												
16	Mixed Land Use Designation	0	-	0	0	0	0	-												
17	No Designation	0		0	0	0	0	-												
18																				
19					7,860	3,895	11,026	7,290	251	1,140.00										
20																				
21																				
22																				
23																				

Worksheet for the Fort Myers Shores Community

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1		Existing Uses													
2	FLUMC	Parcels	Total	Commercial		Industrial		Public	Active AG	Passive AG	Conservation	Vacant	Total Residential		Future Land Use Designation
3				Acres	Square Feet	Acres	Square Feet						Acres	Units	
4	(null)	1	-	-		-		-	-	-	-	-	-	-	
5	R	262	4,196.55	1.35		2.00		49.14	467.17	2,733.84	312.08	313.43	317.54	149	Rural
6	S	4,823	5,083.02	59.40		12.00		265.13	137.89	1,902.16	266.65	1,210.40	1,229.39	3,950	Suburban
7	CU	291	385.09	12.47		-		10.63	-	37.21	24.62	94.84	205.32	1,150	Central Urban
8	ID	3	136.12	-		-		-	-	88.84	45.49	1.79	-		Industrial
9	II	37	110.83	-		10.00		-	-	-	-	100.83	-		Industrial Interchange
10	PF	1	236.54	-		-		236.54	-	-	-	-	-		Public Facilities
11	UC	708	1,403.10	5.66		10.87		151.14	14.47	339.48	177.08	292.19	412.21	760	Urban Community
12	GCI	43	35.33	7.89		-		2.17	-	13.25	-	5.09	6.93	22	General Commercial Interchange
13	INT	127	196.84	63.50		4.52		2.92	-	57.60	-	36.18	32.12	71	Intensive Development
14	RCP														Rural Community Preserve
15	RPA	71	372.84	-		-		0.19	-	-	299.51	13.70	59.44	43.00	Wetlands
16	MLUC	63	-	-		-		-	-	-	-	-	-		Mixed Land Use Designation
17	NONE	462	-	-		-		-	-	-	-	-	-		No Designation
18															
19		6,892	12,156	150.27	867,983	39.39	140,629	717.86	619.53	5,172.38	1,125.43	2,068.45	2,262.95	6,145.00	
20															
21															
22															
23															

Census Information and Population/Demographic Projections

By Community

PAM/T 96-13

	C	D	E	F	G	H	I	J	K	L	M	N	O
1	Planning Community	Census Information				Housing Units							
2		Population 1990	Population 1980	PPH 1980	PPH 1990	1980	1990	1994	1995	1996	2000	2010	2020
3	Alva	4,734	3,409	2.83	2.81	1,451	1,924	2,013	2,048	2,173	2,299	2,718	3,138
4	Boca Grande	823	642	2.38	2.39	730	830	910	943	976	1,010	1,156	1,303
5	Bonita Springs	17,613	8,165	2.33	2.29	6,796	13,153	14,407	15,583	16,328	18,448	24,221	29,993
6	Fort Myers Shores	13,936	11,419	2.68	2.55	5,129	5,720	5,956	5,989	6,010	6,270	6,836	7,402
7	Burnt Store	540	108	5.40	2.30	28	594	707	875	946	1,124	1,674	2,223
8	Cape Coral*	74,991	32,142	2.48	2.52	15,962	34,486	39,128	40,063	41,106	48,439	64,317	80,195
9	Captiva	584	529	1.82	2.12	1,354	1,383	1,678	1,691	1,712	1,777	2,014	2,252
10	Fort Myers*	53,743	45,715	2.66	2.58	19,429	24,513	28,542	28,617	28,673	31,461	37,579	43,697
11	Fort Myers Beach*	5,815	4,811	2.47	2.05	4,911	7,420	7,791	8,025	8,031	9,024	11,012	13,000
12	Gateway/Airport**	161	158	3.22	2.93	54	82	614	737	876	917	1,411	1,905
13	Daniels Parkway	3,923	528	3.14	2.47	188	2,484	3,601	3,875	4,042	5,034	7,473	9,913
14	Iona/McGregor	16,217	9,010	2.02	2.12	6,136	12,318	15,353	15,709	16,050	18,834	25,190	31,547
15	San Carlos/Estero	18,718	5,332	2.59	2.53	3,001	10,456	12,388	12,885	13,387	16,293	22,814	29,336
16	Sanibel*	5,468	3,363	2.21	2.13	4,491	6,422	7,492	7,603	7,714	8,609	10,681	12,753
17	South Fort Myers	41,420	27,668	2.48	2.22	13,488	23,162	24,327	24,573	24,817	28,553	35,752	42,951
18	Pine Island	7,667	4,920	2.17	2.11	3,815	5,729	5,793	5,870	5,941	6,626	7,956	9,286
19	Lehigh Acres	21,731	11,695	2.21	2.43	6,383	10,397	11,992	12,314	12,665	14,306	18,256	22,206
20	Southeast Lee County	1,678	744	3.21	2.47	362	948	1,182	1,202	1,232	1,487	2,044	2,601
21	North Fort Myers	42,678	32,105	2.50	2.25	16,489	24,503	27,072	27,856	28,018	31,425	38,800	46,175
22	Buckingham	2,673	2,803	3.71	3.27	816	893	1,147	1,191	1,228	1,289	1,549	1,810
23	Total	335,113	205,266			112,993	189,406	214,087	219,644	223,921	255,225	325,465	395,704
24	Population figures below are actually April 1 estimates for the following year however the unit counts are end of year counts - three months earlier												
25													
26													
27													
28													
29													
30													
31													
32													

Population figures below are actually April 1 estimates for the following year however the unit counts are end of year counts - three months earlier

376,702 383,706 394,244

122%

112%

*Inputs Directly from City projections

** Future research to base figure on approved DO

Census Information and Population/Demographic Projections

By Community

PAM/T 96-13

	C	P	Q	R	S	T	U	V	W	X	Y	Z
1		Housing Units										
2	Planning Community	Assumed Unbuilt Residential Units	Adjusted 2000 Unit Count	Adjusted 2010 Unit Count	Adjusted 2020 Unit Count	Projected New Units by 2020	Allocated 2020 Units	Occupied 1980	Occupied 1990	2000	2010	2020
3	Alva	6,951	2,299	2,718	3,138	965	2,901	1204	1685	1,968	2,327	2,483
4	Boca Grande	673	1,411	1,614	1,649	673	1,655	270	344	555	635	651
5	Bonita Springs	26,467	18,448	24,221	29,993	13,665	37,789	3507	7692	10,357	13,597	21,214
6	Fort Myers Shores	11,026	6,270	6,836	7,402	1,392	8,075	4265	5464	5,623	6,131	7,241
7	Burnt Store	720	1,124	1,666	1,666	720	2,012	20	235	461	683	824
8	Cape Coral*	97	53,544	73,457	94,893	53,787	94,871	12981	29748	45,351	62,217	80,374
9	Captiva	240	1,777	1,952	1,952	240	1,990	291	276	368	404	412
10	Fort Myers*	3,659	33,187	39,616	48,425	19,752	47,508	17214	20871	28,763	34,336	41,973
11	Fort Myers Beach*	(32)	7,999	7,999	7,999	(32)	8,818	1946	2833	3,100	3,100	3,417
12	Gateway/Airport**	11,085	917	1,411	1,905	1,029	6,623	49	55	701	1,079	5,064
13	Daniels Parkway	9,451	5,034	7,473	9,913	5,871	6,019	168	1589	3,310	4,914	3,957
14	Iona/McGregor	13,641	18,834	25,190	29,691	13,641	25,718	4467	7648	12,364	16,537	16,883
15	San Carlos/Estero	51,674	16,293	22,814	29,336	15,949	29,520	2061	7406	11,462	16,050	20,767
16	Sanibel*	10,000	15,990	17,322	18,801	11,087	10,239	1525	2570	6,000	6,500	7,055
17	South Fort Myers	10,241	28,553	35,058	35,058	10,241	32,807	11150	18657	23,222	28,512	26,681
18	Pine Island	7,583	6,626	7,956	9,286	3,345	8,130	2265	3639	4,099	4,922	5,029
19	Lehigh Acres	99,343	15,289	25,179	41,099	28,434	48,769	5291	8929	13,454	22,661	36,989
20	Southeast Lee County	371	1,487	1,603	1,603	371	1,427	232	680	1,035	1,116	993
21	North Fort Myers	19,206	31,425	38,800	46,175	18,157	34,124	12847	18985	24,403	30,130	26,498
22	Buckingham	1,133	1,289	1,549	1,810	582	1,636	756	818	1,187	1,427	1,506
23	Total		267,796	344,435	421,793		410,631	82509	140124			312,030
24												
25												
26										1990	1996	
27										2.35	2.29	
28												
29	*Inputs Directly from City											
30	** Furture research to bas											
31												
32												

Census Information and Population/Demographic Projections
By Community
PAM/T 96-13

	C	AA	AB	AC	AD	AE	AF	AG
1		POPULATION						
2	Planning Community	2000	2010	2020	Occupancy Rate	1990 OR	1980 OR	1996 Population
3	Alva	4,428	5,049	5,189	86%	88%	83%	4,260
4	Boca Grande	1,250	1,379	1,361	39%	41%	37%	880
5	Bonita Springs	23,302	29,506	44,337	56%	58%	52%	20,991
6	Fort Myers Shores	12,652	13,303	15,134	90%	96%	83%	12,342
7	Burnt Store	1,037	1,482	1,722	41%	40%	71%	888
8	Cape Coral*	102,040	135,011	167,981	85%	86%	81%	79,730
9	Captiva	828	878	861	21%	20%	21%	812
10	Fort Myers*	64,717	74,509	87,723	87%	85%	89%	56,909
11	Fort Myers Beach*	6,975	6,727	7,142	39%	38%	40%	7,128
12	Gateway/Airport**	1,578	2,341	10,584	76%	67%	91%	1,534
13	Daniels Parkway	7,447	10,664	8,270	66%	64%	89%	6,086
14	Iona/McGregor	27,820	35,886	35,285	66%	62%	73%	24,129
15	San Carlos/Estero	25,790	34,828	43,403	70%	71%	69%	21,567
16	Sanibel*	13,500	14,105	14,745	38%	40%	34%	6,629
17	South Fort Myers	52,249	61,871	55,763	81%	81%	83%	46,220
18	Pine Island	9,223	10,680	10,511	62%	64%	59%	8,416
19	Lehigh Acres	30,272	49,174	77,307	90%	86%	83%	26,103
20	Southeast Lee County	2,329	2,422	2,075	70%	72%	64%	1,965
21	North Fort Myers	54,906	65,382	55,381	78%	77%	78%	49,824
22	Buckingham	2,672	3,097	3,148	92%	92%	93%	2,590
23	Total	447,015	560,304	649,942	74%	74%	73%	379,001
24		252,705	342,812	376,118.19	95%	125%	1.208	605,946
25		Persons Per Dwelling Unit			Seasonal			
26		2.25	2.17	2.09	2			
27		422,500	511,400	602,000				
28				288,038				
29	*Inputs Directly from City	622,776	110%	297,979				
30	** Future research to bas	633,163	115%	302,949				
31		643,551	120%	307,919				
32		653,939	125%	312,889				



LEE COUNTY

SOUTHWEST FLORIDA

CONSERVATION LANDS 2020 PROGRAM NOMINATIONS SORTED BY STATUS

STATUS	Nom#	Property Owner	ACRES	S-T-R
ACQ	4	D'Alessandro, Frank D. Aim Engineering - Hull, James D.	39	Part of 30-43-27-00-00001.0010
ACQ	55	Edison Community College Foundation, Inc. - Douglas, Sue	187.87	04-44-22-00-00001.0010; 04-44-22-00-00004.0000
ACQ	57	Case, Shirley Little	132.29	Pt 32-43-27-00-00001.0010
ACQ	58	Fullencamp, Dennis	39	07-43-23-C2-00001.0090
ACQ	62	Bennett, Richard K.	175	21-46-26-00-00001.1000; 21-46-26-00-00001.1010
ACQ	66	Johnson, Walter Lee	89	12-46-24-00-00005.0000; 12-46-24-00-00005.4000
ACQ	69	Hagan, Ross	39.51	30-45-25-00-00002.2000
ACQ	73	Wilenius, Francine	65.55	08-44-26-00-00003.0000
ACQ	75	Lo Conte, Anthony Lucy	38	17-43-23-00-00001.0030; 17-43-23-00-00001.0160
ACQ	77	Swon, Doris	55.45	32-45-24-01-000L0.0010
ACQ	78	Fisher, Donald B.	75.26	29-45-24-00-00008.0000
ACQ	79	Southwest Florida Council, Boy Scouts of America -	8.7	20-43-26-00-00001.0020, .002A, .002B and 21-43-26
ACQ	81	Board of County Commissioners -	39	Properties lying in 31-47-25 and 32-47-25
ACQ	82	Suite 251 Pinebrook - Lowell, Harry M.	52.4	29-43-25-02-00007.0050; 32-43-25-00-00005.0000
ACQ	91	Staffle, Paul	5.2	13-43-22-C2-00003.0160
ACQ	92	General Securities Liquidation Trust - Sellas, Patricia B.	80	22-45-22-00-00002.0000
ACQ	93	Cirincione, Biagio LoCascio, Carmela	233.68	21-46-27-00-00001.0010; 21-46-27-00-00001.0040
ACQ	95	Gatto, Joseph C.	5	13-43-22-C2-00003.0170
ACQ	96	Pelrano, Gerald J.	10.43	13-43-22-C2-00003.0000 13-43-22-C2-00003.0150
ACQ	98	Iarussel, Guy Ruth	15.672	13-43-22-C2-00003.0130
ACQ	102	Curtis, Robert F.	63.2	08-43-23-00-00006.0030
ACQ	107	Charlotte Trust - McMains, Martha Ogle	66.01	05-43-23-00-00001.0000
CONT	48	Jassy-Chris Inc. - Casey, John	8	07-44-22-00-00012.0000 (CARL)

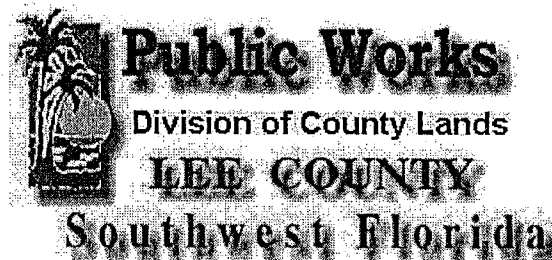
STATUS	Perm#	Property Owner	ACRES	S-T-R
CONT	111	Swor, David W.	28	05-46-24-00-00003.0010 & .0020
UN	9	Bamman, Harvey and Emma	80	11-46-26-00-00001.1000
UN	11	Realty Trust Group - Weigel, R.	140	03-44-21-00-00002.0000; 10-44-21-00-00001.0010; 11-44-21-00-
UN	90	Chard, JoAnne Cullen, Patrick	587	04-46-26-00-00001.0000; 09-46-26-00-00001.0170
UN	94	Diez, Antonio	20	07-43-23-C1-00002.0010
UN	100	Cement Industries, Inc. - Thompson, Gay Rebel	80	11-46-26-00-00001.1010
UN	101	Hull, James D. D'Alessandro, Frank	32.79	30-43-27-00-00001.0010; 30-43-27.01.00009.0000 thr
UN	103	Kendall Realty & Investments, Inc. - Schiffman, Jack Caribe Properties, Inc. a Florida Corporation -	295	33-44-22-00-00004.0000 and 33-44-22-00-00004.0010
UN	108	Realty Transfer Company Liquidating Trust - Kean, Jr. Realty Transfer Company Liquidating Trust - Kean, Ham	1115	Numerous: 21-43-25-00-00007.0028 thru 33-43-25-00
UN	114	Wortzel, Alan Landl, August	75	21-46-26-00-00001.2000 21-46-26-00-00001.2010
UN	116	Eveleigh, George W. Mader, Leona	128	20-45-24-00-00004.0000 20-45-24-00-00004.0030
UN	119	Crisafulli, A.S. and Dorothy	131	31-47-26-06-00009.0010
UN	121	Kelly, D. Wayne	320	22-45-22-00-00001.0000 10-45-22-00-00001.0000
UN	127	Jones, Elizabeth S.	24.5	32-43-27-00-00004.003A; 32-43-27-00-00004.0020
UN	128	Bennett, Richard K.	160	12-46-24-23-00000.00A0
UN	132	Fullenkamp, Dennis	22	36-43-25-00-00024.0000 36-43-25-00-00024.0010
UN	134	Fort Myers Little Ranches Co. - Baum, Trustee, Alan J.	2445	43-24 of Lee County; 35-42-24 of Charlotte County
UN	136	Little, Bobby B.	39	32-43-27-00-00001.0000
UN	137	Schuchter, William R. Andalusia Woods Development, Inc. -	230	31-44-23-c2-00001.0000
UN	138	George Graham Trust - Graham, George G.	113	28-43-24-00-00001.0010
UN	142	Stavole, C. Anthony	59.5	35-43-25-00-00004.0000, 00008.0000, 00006.0000
UN	147	Thompkins, Richard L.	60	15-45-22-00-00001.3020
UN	152	Mills, William T.	52	35-45-22-00-00006.0000
UN	155	Todd, Leslie A. Hoke, Wesley	110	35-45-22-00-00003.0010 34-45-22-00-00004.0000
R3RD	5	Staffle & Haywood - Staffle, Paul Staffle & Haywood - Haywood, Stephen	426	13-46-24-00-00001.0000 (CARL)
3RD	149	Fisher, Donald B.	3.75	49-45-00-00007.1030 & 49-45-00-00007.103A

STATUS	Norm#	Property Owner	ACRES	S-T-R
2ND	154	Hurley's Tavern - Hurley, Thomas F.	15	29-47-26-00-00002.0450 & 29-47-26-00-00002.0440
2ND	156	Fliegel, Bernard Derzaris, Don D.	221.73	29-43-24-C1-00001.0000 (all); 30- 43-24-C2-00004.0000 (partially)
2ND	157	Sardo, Frances Mairrella, Anthony	5	13-43-22-C2-00003.0180
2ND	159	Geraci, Helen	40	34-45-24-00-00009.0000
INI	161	Cara Pilla Corporation - Hobson, Al	125	06-43-21-00-00001.0000
INI	162	Roma, Joel E.	440	05-43-23-00-00002.0000
INI	163	Woodward, Robert P. Woodward, Virginia L.	340	28-43-27-00-00022.0000, 28-43- 27-00-00023.0000, 33-43-27-00-
HOLD	16	Eastern Marketing, Inc. - Collins, R. J. Wiss, Ronald E.	320	08-46-24-00-00003.0000; 09-46- 21-00-00001.0000 (CARL)
HOLD	32	University of Florida Foundation, Inc. - DeLaney, Bruce	35	07-44-22-00-00009.0030 (CARL)
HOLD	38	University of Florida Foundation, Inc. - McFarlon, Jim University of Florida Foundation - DeLaney, Bruce	18	07-44-22-00-00011.0000 (CARL)
HOLD	44	U.S. Trust Company of Florida - DenDooen, Edward J. Randell, Patricia Crandon	3	07-44-22-00-00015.0000 (CARL)
HOLD	45	Taggart, Deborah Randell	3	07-44-22-00-00015.0020 (CARL)
HOLD	54	Cayo Costa Island Partnership -		Numerous properties Cayo Costa Island (CARL)
HOLD	115	Youngquist, Harvey Youngquist, Timothy	290	36-46-27-00-00001.0000 36-46-27-00-00001.0020
HOLD	118	McDermott, Elizabeth J.	10	07-43-23-C2-00001.009A
HOLD	120	Mauriel, Jr., John J.	24	31-47-26-00-01004.0030; 31-47- 26-00-01004.0050
HOLD	124	DeBra, Judd	13	28-43-25-00-00005.0020 & 21-43- 25-00-00007.0010
HOLD	140	Osterink, Bruce J. Jayell Company, Not Incorporated - Osterink, Leonard J.	24	21-43-25-00-00007.0000 & 28-43- 25-00-00005.0000
HOLD	158	Patrissy, Daniel Patrissy, Colleen	12	22-43-25-00-00024.0000
HOLD	160	Bigelow, Robert L.	80	35-45-24-00-00027.0000
IMP	2	Ledward, Jeffrey C.	160	19-46-27-00-00001.0040
IMP	23	Green, James Kathleen	218	19-43-27-00-00012.0000; 30-43- 27-00-00001.0000
IMP	24	McHale, Jr., Gerard A. Duncan & Tardif, P.A. - Duncan, Gordon R.	970	13-45-26-00-00001.0010; 14-45- 26-00-00001.0000; 23
IMP	67	Baucom, Ruth Kaune Strayhorn & Strayhorn - Strayhorn, E. Bruce	40	08-43-23-00-00003.0000
IMP	70	Balley, Calvin J. Hayes, Doyle H.	32	07-43-23-C1-00001.0000
IMP	85	S.E. LeHam Estate - Laham, Stephen	36	08-43-23-00-00002.0000

STATUS	Num#	Property Owner	ACRES	S-T-R
IMP	88	Berman, David	36	08-43-23-00-00001.0000
IMP	87	Wolper, James C.	36	05-43-23-00-00003.0000 and .0020
IMP	130	Florida Investment Corporation - Kreinbrink, Daniel W.	100	30-43-27-00-00001.0190
3RD	53	Bartholomew, Bruce A. Back, W. Kirk	32	26-44-25-P3-00061.0000
3RD	56	Tamiami Trail Partnership - Barber, Robert	12	17-46-25-00-00002.001A
3RD	112	Wells, Lance H.	15	09-46-26-00-00001.0300
3RD	117	Swor, Inc. - Swor, David W.	50	10-46-24-01-00024.0000 10-46-24-01-00040.0000
3RD	141	Michigan Homes, Inc. - Lagg, Mary Ellen Florida West Coast Investments, Inc. - Lagg, Harold	12	34-43-25-02-00010.0170 & 34-43- 25-02-000019.0150
1ST	3	Real Value Properties Inc. -	166	36-45-22-00-00003.0000
1ST	14	Van Schaardenburg, Richard and Debra Johnson, Coop	0	31-47-25-01-0000B.0020
1ST	15	Manna Christian Missions -	20	32-47-26-00-00001.0420
1ST	26	Sarlo, Anthony Hendry, Lloyd	16	20-46-24-00-00006.0000
1ST	28	First Hospital Corporation - Dozoretz, Ronald Islands Realty - Shevlin, Michael H.	3	07-44-22-00-00008.0050 (CARL)
1ST	30	The Archaeological Conservancy - Gruber, Alan	0	07-44-22-01-00000.0010
1ST	38	U.S. Trust Company of Florida - DenDooven, Edward J. Randell, Patricia Grandon	15.88	07-44-22-00-00009.0000 (PORTION CARL)
1ST	40	Shevlin, Gertrude F.	1	07-44-22-00-00007.0040 (CARL)
1ST	41	Baumgartner, Daryl J.	7	07-44-22-00-00007.0000 (CARL)
1ST	50	Sapp, Christopher F. Sapp, Vincent D.	5	07-44-22-00-00023.0030 (CARL)
1ST	52	Blatchley, Everett Jean	22	07-44-22-00-00025.0000 (CARL)
1ST	61	Hopkins, Phillip C.	10	30-44-22-00-00001.0000
1ST	64	Society National Bank et al. - Miles, Jr., Frank	43	28-45-23-C2-00003.0000
1ST	83	Stefanowski, Paul	5	16-45-25-00-00001.1020
1ST	98	Grimaldi, Anthony	5	13-43-22-A0-00003.0090
1ST	105	Bracken, Jr., Edward P.	60	14-44-25-00-00002.1000
1ST	109	Chicago Title & Trust Co. (Trust 35) - Louisville Presbyterian Theological Seminary - Cecil, Pat	92	36-43-27-00-00003.0000
1ST	113	Riverside Realty, Inc. - Stambouly, Carl G. Pennington, Earl	0	23-44-23-C4-01916.0630

STATUS	Nom#	Property Owner	ACRES	S-T-R
1ST	125	Roth, Elizabeth	12	13-46-21T1-00001.0020
1ST	126	Kelly, D. Wayne	381	10-45-22-00-00001.0000
1ST	129	Lowe, Verdia	2	07-43-23-C1-00001.0060
1ST	131	Hemelgarn, Jr., Frank J. Hemelgarn, Jr., Rebecca N.	14	10-44-24-00-00005.0000
1ST	133	MacDowell, Yolanda A.	4	28-43-25-00-00005.0010
1ST	139	Cochran, Jimmie & Loyce	22	30-43-26-00-00001.0110 & .2000
1ST	144	Cork Partnership -	9	04-44-24-00-00005.0000
1ST	145	Helmerich, Frank W.	40	10-46-24-01-00009.0000
1ST	146	Michigan Homes, Inc. - Lagg, Mary Ellen	0.57877	34-43-25-02-00019.0130 and 0140
1ST	150	General Securities Liquidation Trust - Crowder, Glorinda Dee	10	29-43-27-00-00022.0000
1ST	151	Bristol, Linda	161	01-44-21-00-00001.0020
1ST	153	Dinger, Paul	160	12-46-27-00-00003.0000; 12-46- 27-00-00007.0000
WD	1	Parker, G. Alfred	183	19-46-27-00-00001.0010
WD	7	Broderick & Associates, Inc - Broderick, Roger E.	60	32-45-22-00-00003.0000
WD	12	Bruce, Robert G.	160	31-48-26-00-00001.1000
WD	17	The Nature Conservancy - Murlan, Jim	1120	02-46-24-00-00001.0000; 02-46- 24-00-00001.1000; 11-46-24-
WD	26	Cammick, John E.	175	24-43-23-00-00002.0000; 24-43- 23-00-00005.0000; 24
WD	59	Summerlin Sands, Ltd. -	723	Numerous sites located in 13-46- 23 and 14-46-23
WD	60	Krele, Jr., Herbert Rosali	50	36-43-21-00-00002.0070
WD	65	Glenn, Leland K. Calusa Land Trust and Nature Preserve of -	72	13-45-22-C2-00001.0000
WD	68	Gaucorn, Ruth Kaune Strayhorn & Strayhorn - Strayhorn, E. Bruce	80	29-44-22-00-00001.0000
WD	71	Caldwell Fasy, Patricia T.	0	31-47-25-02-000M0.0020
WD	72	R.A.C. Equities, Inc. -	67	29-45-24-00-00009.0000; 29-45- 24-00-00003.1010
WD	74	Avery, Whigham & Winesett, P.A. - Winesett, Richard	297	31-46-26-00-00001.2000; 30-46- 26-00-00001.2000 less 100 ac.
WD	76	c/o Mark G. Jenkins, P.C. - Callan, J. Scott	420	09-46-23-00-00003.0000; 09-46- 23-00-00004.0000; 10-46-23-00-
WD	80	Carter, Tally G.	422	26-43-28-00-00001.0000

STATUS	Num#	Property Owner	ACRES	S-T-R
WD	88	Swartz, Jr., William	94	25-43-25-00-00004.0000; 36-43-25-00-00013.0000
WD	89	Reahard, Richard	30	31-47-25-00-00001.0000
WD	97	Raid, Jeffrey S.	5	13-43-22-C2-00003.0050
WD	104	Bracken, Jr., Edward P.	60	14-44-25-00-00002.0000
WD	106	Saunders, William W. Naida J.	38	14-45-22-00-00002.0030
WD	110	Taylorcrest N.V. c/o David Dabby Area Inc. -	318	13-44-25-00-00001.0000
WD	122	Bass, Margaret G. Sheppard, Virginia Ruth Vann	77	11-46-23-00-00008.0010
WD	123	Wiltshire, Jr., Warren B.	76.5	11-46-23-00-00002.0010 11-46-23-00-00005.0010
WD	135	Lowell, Harry M.	378	21-46-26-00-00001.0000; .0020; 0030; 22-46-26-00-00001.0000;
WD	143	Gaunt, William H.	3.2	35-43-25-00-00007.0000
WD	148	Florida Power & Light Company -	9.19	26-43-20-00-0010.0000
NWS	6	Paulsen, Gerald A.	49	26-46-22-T3-00004.0090
NWS	8	Pine Island Properties Ltd. -	12	09-45-02-00-00001.0020; .0030; .0040 and 10-45-22-00-
NWS	10	Colosimo, James R. Bowers, Jr., Charles R.	117	09-45-22-00-00002.0020; .002A; .0620 10-45-22-00-00001.001A
NWS	13	Koscal, Joseph S. Carole J.	1	31-47-25-02-000M0.0010
NWS	18	Atlantic Gulf Communities - Davis Anness, Lisa	864	Numerous STRAPs lying in Sections 30, 31, 32, T46S, R24E
NWS	19	Boone, Jr., Ralph	344	18-46-25-00-00040.0000 (CARL)
NWS	20	Sahdev, Inc. c/o Abbey Management Inc. -	314	19-46-25-00-00001.0000; 19-46-25-00-00002.0000 (CA
NWS	21	Sahdev, Inc. c/o Abbey Management -	273	30-46-25-00-00001.0000; 30-46-25-00-00002.0000 (CA
NWS	22	WCI Communities - Dolan, Terrence S.	154	06-47-25-00-00002.0010; 06-47-25-00-00002.1000 (CA
NWS	27	American Bible College - Royse, Marvin	2	07-44-22-00-00008.0000 (CARL)
NWS	29	Nickerson, Stanford	1	07-44-22-00-00008.0030 (CARL)
NWS	31	White, Randy Wayne	1	07-44-22-00-00009.0040 (CARL)
NWS	33	Fritz, Susan J.	1	07-44-22-01-00000.0020 (CARL)
NWS	34	Tidwell, Julius Ann	1	07-44-22-01-00000.0030 (CARL)
NWS	35	Williams, Richard Lillian	1	07-44-22-01-00000.0050 (CARL)



Conservation Land Program - Acquired Properties

4 ~ 55 ~ 57 ~ 58 ~ 62 ~ 66 ~ 69

73 ~ 75 ~ 77 ~ 78 ~ 79 ~ 81 ~ 82 ~ 91

92 ~ 93 ~ 95 ~ 96 ~ 99 ~ 102 ~ 107

4

Name of Preserve: Hickey Creek Mitigation Park - Addition 1 (Conservation 2020 Site 004)

Size: 39 Acres

Date of County Purchase: December 3, 1998

Location

Located adjacent to and south of S.R. 80 approximately 3/4 mile west of Bateman Road and north of the Hickey Creek Mitigation Park in Section 30, Township 43S, Range 27E.

Significance for Plants and Animals

The property was historically a slash pine flatwoods/scrub oak community. After being logged, the site was used as improved pasture for cattle range. Scrub jays, a listed species, have been observed using the native habitat on this site. After native habitats have regenerated or been restored, this site will provide additional upland species habitat for the Hickey Creek Mitigation Park ecosystem.

Significance for Water Resources

This property contains the potential for an improved outfall for the East County Water Control District. Left undeveloped, it provides flood plain protection for the nearby Hickey Creek.

Potential for Public Uses

This property will provide the future public entrance from Palm Beach Boulevard to the adjacent Hickey Creek Mitigation Park. The park will offer an extensive nature trail system with picnicking and possibly camping. The park opening is scheduled for June 1, 2000.

Environmental Management

The management of this site has been incorporated into the Hickey Creek Mitigation Park Management Plan. Short-term management activities will include continued cattle leases to control unwanted infestation by invasive exotic plant species. Long-term management activities call for restoration of the site with plantings of slash pines and native scrub species and prescribed burns to improve the habitat for the federally threatened scrub jay.

Management Status as of July 2000

- Cattle grazing continues at this time and the lease is up for renewal in June 2000.
- Conducted short-term research project to determine the response of Brazilian pepper to herbicide treatment after a prescribed burn. It appears that Brazilian pepper is easier to control after burning.
- The Florida Department of Corrections work crew has completed Brazilian pepper control along the north fence line.
- Hydroax will be used to mulch Brazilian pepper that has been cut and treated.

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Size: 157 Acres

Location: On northeastern coastline of Pine Island in Section 4, Township 44S, Range 22 E

Date of County Purchase: May 13, 1998

Significance for Plants and Animals

This mangrove system is part of a large mangrove ecosystem that surrounds Pine Island. This portion is adjacent to and helps protect the health of the Matlacha Pass Aquatic Preserve. Mangrove wetlands provide important habitat for fisheries, marine invertebrates, small mammals, and many species of coastal birds.

Significance for Water Resources

Mangroves benefit the water quality of the aquatic preserve by filtering impurities from storm water runoff. They also help protect the shoreline from erosion.

Potential for Public Uses

The preservation of this mangrove system would maintain its scenic values for boating activities which occur in the adjacent Matlacha Pass waters.

Environmental Management

Mangrove wetlands require very little management. This mangrove system is adjacent to other mangrove preserve areas. Litter clean-up and other management activities can be coordinated with the Florida Department of Environmental Protection as part of its management of the Charlotte Harbor Buffer Preserve.

Management Status as of July 2000

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP is to be written soon. The draft MOA will be reviewed and approval required by the County Attorney's Office, Management Sub-Committee, CLASAC, BOCC and DEP, before it is finalized.
- Lee County Parks and Recreation has a piggyback contract with SFWMD to have Applied Aquatic Management Inc. treat melaleuca in place. This will complete preliminary management needs for this site. Aside from the spoil mounds where melaleuca are present the site consists of a mangrove community which requires little management. The activity described has not started.

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Name of Preserve: Hickey Creek Mitigation Park - Greenbriar Connector (Conservation 2020 Site 057)

Size: 132.29 Acres

Location: Located east of the Hickey Creek Mitigation Park in Section 32, Township 43S, Range 27 E

Date of County Purchase: May 13, 1998

Significance for Plants and Animals

Property is primarily cypress wetlands with areas of slash pine flatwoods. The habitat type is important for many wildlife species, including neotropical migrants and several listed species.

Significance for Water Resources

The acquisition of this site preserves an important hydrological link between the Greenbriar Swamp and Hickey Creek and protects an important outfall to the river for the East County Water Control District. Preservation of this site protects a portion of the Hickey Creek flood plain from encroachment. The wetlands provide water quality benefits through filtration. Additional water quality enhancements can be made to the channelized connection to Hickey Creek.

Potential for Public Uses

This property will expand upon the recreational opportunities of the Hickey Creek Mitigation Park. The park will offer an extensive nature trail system with picnicking and possibly camping. The park opening is scheduled for June 1, 2000.

Environmental Management

The management of this site has been incorporated into the Hickey Creek Mitigation Park Management Plan which is being co-managed by Lee County and the Florida Game and Fish Commission. Long-term management activities call for removal of exotics and a regular prescribed burning program to maximize the benefits to native wildlife.

Management Status as of July 2000

- Cattle grazing continues and lease is up for renewal in September 2000.
- Currently controlling cogon grass.
- The Florida Department of Corrections work crew has cut and stump treated 4 acres of melaleuca. An estimated \$26,000 was saved due to the

assistance of the DOC crew on this project and the Brazilian pepper control on Parcel 4.

- Hydroax will be used to mulch the downed melaleuca, project to be paid for by Florida Fish and Wildlife Conservation Commission, co-managers of the preserve.

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Name of Preserve: Charlotte Harbor Buffer Preserve - Eastern Addition #1(Conservation 2020 Site 058)

Size: 39 Acres

Location: West of Burnt Store Road, approximately 8 miles north of Pine Island Road, in Section 7, Township 43S, Range 23 E.

Date of County Purchase: February 25, 1999

Significance for Plants and Animals

Primarily uplands and includes scrub, pine flatwoods, and creek habitat. This site provides an important habitat and drainage connection between the Charlotte Harbor Buffer Preserve and the proposed Charlotte Harbor Flatwoods wildlife management area.

Significance for Water Resources

This site lies just below the reach of the Yucca Pen Creek and provides corresponding flood plain protection. The natural wetland conveyance provides water quality benefits to receiving stormwater.

Potential for Public Uses

The recreational opportunities on the adjacent CARL lands will be enhanced with this linkage by adding trail connections for hiking and horseback riding.

This site is adjacent to state management preserve lands and may be able to be managed in conjunction with the state management activities.

Management Status as of July 2000

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP and FWC are to be written soon. The draft MOA will be reviewed and approval required by the County Attorney's Office, Management Sub-Committee, CLASAC, BOCC and DEP, before it is

finalized.

- Staff will be submitting proposals to DEP's Bureau of Invasive Plant Management (BIPM) in September, requesting funding and the use of the Florida Department of Corrections work crew for exotic invasive plant control. Properties in this area are currently candidates for a proposal.
- Maintenance of the fire lane, along the east boundary fence line continues.
- Exotic plant monitoring continues.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: February 25, 2000

Size: 175 acres

Location:

Significance for Plants and Animals The property contains approximately 155 acres of uplands and 20 acres of seasonal wetlands. The plant communities/land cover identified on this site include pine flatwoods, melaleuca, cypress, wet prairie, and abandoned farm lands. Listed species documented on the site include black bear, gopher tortoises, and fox squirrel. The site is located within an area designated as Priority 2 Panther Habitat and provides habitat for other wide ranging species such as woodstorks, wading birds, hawks, and the Florida black bear.

Significance for Water Resources This property is located in the County's Groundwater Resource Area and provides high potential productivity of the water table aquifer. The site contains approximately 20 acres of freshwater wetlands, including 13 acres of Cypress swamp. The wetlands provide water quality benefits through filtration.

Environmental Management There is excellent access from Corkscrew Road. Management of this site will be conducted using approaches and methods similar to those being used in the nearby CREW project. Recreation potential is good with year-round trail use. There is moderate melaleuca invasion which will require exotic removal and control.

Management Status as of July 2000

- Cattle grazing continues and the lease is up for renewal in February 2001.
- Temporary Conservation 2020 sign has been posted.
- Site is currently free of debris.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: December 15, 1999

Size: 82.93 acres

Location: This nature preserve is located in the Mullock Creek area; south of Island Park Village on the northwest corner of Island Park Drive and Park Road; in Section 12, Township 46S, Range 24 E.

Significance for Plants and Animals

Plant communities include slash pine flatwoods, oak hammock, tidal creeks and marshes, and mangrove forests. These habitats are important for wide ranging species, migratory and shore birds, and many listed plant and animal species.

Significance for Water Resources

This property includes a branch of Mullock Creek and a large (33-acre) black rush marsh. Preservation of this site prevents further encroachment of the Mullock Creek floodplain. The natural stream and wetlands enhance water quality.

Potential for Public Uses

The Lee County Division of Parks and Recreation will develop a management plan, with public input, to determine the appropriate public uses of this property. Potential public uses may include boating, birding, nature study and nature trails.

Environmental Management

Appropriate long-range environmental management will be determined in the management plan. Initial site inspection indicates that exotics are extensive in some areas and will required heavy equipment work; other areas will only require hand work.

Management Status as of July 2000

- An environmental consultant has volunteered to map the level of exotic plant infestation, native plant communities and wildlife sightings for this

site.

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP is to be written soon. The draft MOA will be reviewed and approval is required by the County Attorney's Office, Management Sub-committee, CLASAC, BOCC, and DEP before it is finalized.
- Staff will be submitting proposals to DEP's Bureau of Invasive Plant Management (BIPM) in September requesting funding and the use of the Florida Department of Corrections work crew for exotic invasive plant control. Site #66 is currently a candidate for a proposal.

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Name of Preserve: Six Mile Cypress Slough Preserve (Conservation 2020 Site 069)

Size: 39.51 Acres

Date of County Purchase: December 20, 1999

Location: This preserve is located between the Lee County Six Mile Cypress Slough Preserve and the Eagle Ridge development; in Section 30, Township 45S, Range 25E.

Significance for Plants and Animals

The property is a transitional pine flatwoods that is heavily invaded by *Melaleuca*. After it is restored, the parcel will enhance the Six Mile Cypress Slough ecosystem and help buffer the slough from the impacts of adjacent high density residential development. Listed species documented on the site include Nodding Clubmoss.

Significance for Water Resources

This property contains an important flow-way for the Six Mile Cypress Watershed. Drainage from the Eagle Ridge and Legends developments flow into this parcel. Currently, drainage has to jog north. The acquisition of this property is important for surface water management to provide an outfall for property to the east, including the SW Florida International Airport. Water quality enhancement features are also proposed for this site.

Management Status as of July 2000

- Since site is adjacent to Six-Mile Cypress Slough Preserve, it will be incorporated into the management plan that Roger Clark is currently revising.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Size: 66.55 Acres

Date of County Purchase: December 3, 1999

Location: This nature preserve is located in the Buckingham area; on the south side of Peace Road approximately ½ mile west of Buckingham Road; in Section 8, Township 44S, Range 26 E.

Significance for Plants and Animals

This site is very diverse botanically and is very scenic. Plant communities include thick forested areas, open saw palmetto prairies, wetlands, and pastures. Dominant tree species include live and laurel oaks, hickories, cabbage palm, saw palmetto, and slash pines. Many active gopher tortoise burrows were documented on site.

Significance for Water Resources

This preserve contains a natural creek which is a tributary to the Orange River. The creek provides a needed outfall for the Sunniland development located upstream. The meandering nature of the creek slows the volume of flow and provides water quality benefits.

Potential for Public Uses

The Lee County Division of Parks and Recreation will develop a management plan, with public input, to determine the appropriate public uses of this property. Recreation potential is high, particularly for hiking trail development and nature study.

Environmental Management

Appropriate environmental management will be determined in the management plan. The existing farm buildings, farm equipment, and land debris will be cleared. In the short term, cattle grazing will continue on the property to control exotic vegetation. Removal of the exotic plants Brazilian pepper and tropical soda apple has begun.

Management Status as of July 2000

- Cattle grazing continues and lease is up for renewal November 2000.

- Staff continues exotic control of Brazilian pepper, tropical soda apple, and java plum, approximately 15%, 10% and 50% complete, respectively.
- Dick Workman, Coastplan Inc., volunteered to produce a complete plant list of the site.
- Two water level monitoring gauges have been installed. Monitoring water level on site will provide staff with approximate maximum water depth and hydroperiod data for this site. This data will be useful in writing the management plan and will help staff make restoration and exotic control decisions. The data will help staff keep track of yearly hydrologic conditions of the site and possibly document any impacts as a result of off site alterations. There are two slough systems within the site that flow north and are parallel to one another. They converge north of the property boundary at which point water flows northeast into the Orange River.
- The basic work plan for this site has been drafted and will be presented to the MSC at the next meeting. The work plan will be the basis for the management plan.

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Name of Preserve: Charlotte Harbor Flatwoods - Western Addition #1 (Conservation 2020 Site 075)

Size: 38 Acres

Location: Adjacent to and east of Burnt Store Road approximately 6.5 miles north of Pine Island Road in Section 17, Township 43S, Range 23 E.

Date of County Purchase: October 29, 1999

Significance for Plants and Animals

This property is part of the largest remaining tract of intact pine flatwoods in southwest Florida. Many rare plants and animals are documented to use this habitat including the Florida panther and black bear. Golden Leatherleaf fern, beautiful pawpaw, gopher tortoise, and fox squirrel have been found on or near this site. Approximately 20 acres of this site are pine flatwoods and 20 acres are freshwater wetlands.

Significance for Water Resources

This property is part of sheetflow drainage and provides limited floodplain protection. An eight-foot deep pit provides water retention. The wetlands provide water quality benefits through filtration.

Potential for Public Uses

This site has good access from Burnt Store Road. The borrow pit has high scenic value. Property to the east is proposed for acquisition by the Florida Department of Environmental Protection for the Charlotte Harbor Flatwoods wildlife management area. Public use of these properties should be coordinated.

Environmental Management:

This property is near the Charlotte Harbor Flatwoods/Cecil B. Webb wildlife management areas, so there may be co-management opportunities with the Florida Game and Fish Commission.

Management Status as of July 2000

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP and FWC are to be written soon. The draft MOA will be reviewed and approval required by the County Attorney's Office, Management Sub-Committee, CLASAC, BOCC and DEP, before it is finalized.
- Staff will be submitting proposals to DEP's Bureau of Invasive Plant Management (BIPM) in September, requesting funding and the use of the Florida Department of Corrections work crew for exotic invasive plant control. Properties in this area are currently candidates for a proposal.
- Melaleuca control 90% complete, with treated areas mapped using GPS technology.
- Brazilian pepper control has commenced and is approximately 50% complete.
- Staff will begin strategizing for prescribed burning to reduce melaleuca biomass and eliminate seed germination.
- Old survey is to be digitized, to enable staff to find approximate boundaries.

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Name of Preserve: Cow Slough Preserve (Conservation 2020 Site 077)

Size: 55.45 acres

Location: Northwest corner of Gladiolus Drive and A&W Bulb Road in Section 32, Township 45S, Range 24 E

Date of County Purchase: September 23, 1999

Significance for Plants and Animals

While it is not officially documented, aerial photographs suggest that approximately 75% of the 54 acre parcel are wetlands and 25% are uplands. The wetlands are a combination of tidal and freshwater wetlands and include mangroves and salt marsh. Aerial mapping and site review indicate previous site disturbances such as clearing and ditching. It appears that invasive, exotic plants, especially Brazilian Pepper, dominate both the wetlands and uplands. As such, this site offers great potential for mitigation credits if the exotics are removed and the native vegetation and hydrology are restored.

Significance for Water Resources

The majority of this property is located directly in the flow boundaries of Cow Slough. The Cow Slough exchanges waters from and into the nearby Caloosahatchee River. The property is within the Deep Lagoon watershed and is adjacent to an important drainage canal (IDD Canal "C"). The property provides flood plain protection, has high potential productivity of the water table aquifer, and provides water quality benefits through the wetland filtration process.

Potential for Public Uses

The property has excellent access from A&W Bulb Road and Gladiolus Drive. The adjacent Harlem Heights Elementary School has an existing educational boardwalk which stops at this property boundary. The boardwalk could potentially be extended into this property. After restoration, the Cow Slough Preserve will offer an ecologically diverse park for outdoor recreational activities.

Environmental Management

Initially solid waste debris and exotics need to be removed. Long-term management will be necessary to control exotic pest plants from re-invading the site.

Management Status as of July 2000

- The Board of County Commissioners has approved the Supplemental Task Authorization (STA) to have Johnson Engineering Inc. conduct an environmental study of the Deep Lagoon Watershed main conveyance, the Iona Drainage District Canal C, and determine how to improve water flow and restore adjacent wetlands located on County property.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: July 16, 1999

Size: 75.26 Acres

Location: This nature preserve is located along the Cow Slough Preserve; south of A&W Bulb Road between McGregor Blvd and Gladiolus Drive; in Section 29, Township 45S, Range 24E.

Significance for Plants and Animals

This property is a mix of uplands and wetlands. The 63 acres of uplands consist of cabbage palm/slash pine forest which have been disturbed by conversion to active pasture land and invaded by Australian pine and melaleuca. The approximately 15 acres of wetlands consist of disturbed mangrove and buttonwood swamp, which are invaded by brazilian pepper and Australian pine, and cattail marsh. Restoration of this property will provide valuable habitat and will help to restore the health of the Cow Slough ecosystem.

Significance for Water Resources

This property is within the Deep Lagoon watershed and is adjacent to an important drainage canal (IDD Canal "C-7"). The property provides flood plain protection, has high potential productivity of the water table aquifer and provides water quality benefits through the wetland filtration process.

Potential for Public Uses

The Lee County Division of Parks and Recreation will develop a management plan, with public input, to determine the appropriate public uses of this property. This property is located in a highly developed urban area and offers good potential for passive recreational uses and nature study with excellent access.

Environmental Management

Appropriate long-range environmental management will be determined in the management plan. Initially, cattle grazing will continue on the site to help control exotic invasive vegetation. Lee County has submitted a grant application to the National Oceanic and Atmospheric Administration for an environmental assessment of how to improve water flow and restore wetlands in the Deep Lagoon watershed.

Management Status as of July 2000

- Cattle grazing continues and lease is up for renewal September 2000.
- A shell road has been built, at #78, from the entrance gate to the building for better access during the rainy season.
- The Board of County Commissioners has approved the Supplemental Task Authorization (STA) to have Johnson Engineering Inc. conduct an environmental study of the Deep Lagoon Watershed main conveyance, the Iona Drainage District Canal C, and determine how to improve water flow and restore adjacent wetlands located on County property.

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Name of Preserve The name of this nature preserve will be determined by the Management Plan. The island was called "Fantasy Island" by the

previous owner, Southwest Florida Council Boy Scouts of America.

Date of County Purchase: September 9, 1999

Size: 8.7 Acres

Location: This oxbow island is located in the Olga area; along the southern bank of the Caloosahatchee River; in Sections 20 and 21, Township 43S, Range 26E.

Significance for Plants and Animals:

This island is primarily a tropical hardwood hammock with shoreline mangroves. The invasive exotic tree, Brazilian pepper, occurs on the island. The Simpson stopper, a listed plant species has been documented on the site. The island provides significant breeding and roosting habitat for migratory and resident shorebirds.

Significance for Water Resources

This oxbow island is a remnant of the original Caloosahatchee River and is part of a natural flow-way system. The island is beneficial to flood management if left intact without obstructions. The meander in the river caused by the Oxbow provides water quality enhancement to water flowing through it.

Potential for Public Uses

The Lee County Division of Parks and Recreation will develop a management plan, with public input, to determine the appropriate public uses of this property. The site has high recreation potential due to its location on the Caloosahatchee River and accessibility to boaters.

Environmental Management

Appropriate environmental management will be determined in the management plan. The island habitat is well protected from other land uses and activities. Exotic plants and trash can be removed and then the site can be maintained with a routine maintenance schedule.

Management Status as of July 2000

- Staff visited this site on 06-06-00 to evaluate management needs and perform Brazilian pepper control.
- Portions of the site are difficult to access due to dense vegetation, although remnant trails are still accessible.
- Debris is limited to plastic and glass bottles, most of which were dumped on site but some washes up from the river.

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Name of Preserve: Imperial River Preserve

Date of County Purchase:

Size: 47.58 Acres

Location: In Section 32, Township 43S, Range 27 E; Mouth of the Imperial River.

Significance for Plants and Animals

The entire property consists of an undisturbed mangrove swamp. The very few exotics that exist are on the edge and are easily removed. Mangroves are important habitat for fish and shore birds, including several listed species. White ibis, a listed species was observed in the site.

Significance for Water Resources

Property lies adjacent to the Imperial River, which receives storm water from a major watershed. Flood plain protection is critical for this area. Preservation of the natural riverine system is desirable for erosion control and water quality.

Potential for Public Uses

The site is accessible by road. Mangroves require relatively little management compared to uplands. The preservation of this mangrove system would maintain its scenic values for the abundant boating activities which occur in the adjacent Imperial River waters. The site could become part of a canoe trail with platforms for resting/viewing.

Management Status as of July 2000

- Exotic removal in Management Unit 1(MU 1) – narrow 2-acre strip of property located along Esplanade Street (north boundary of the property) completed by land stewardship staff, with the assistance of the Florida Department of Corrections (DOC) work crew.
- An estimated \$5,000 was saved due to the assistance of the DOC crew.
- Staff met with consultant, Boylan Environmental, on 07-11-00 for an exotic plant removal project and native vegetation-planting project in MU 1. The projects should commence by the end of July.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: February 23, 2000

Size: 52.4 acres

Location: Approximately 2 miles east of Bayshore Road on Donald Road in Sections 29 and 32, T43S, R25E. Property lies west of Bonita Blvd. between the Caloosahatchee River and Winston Road.

Significance for Plants and Animals

This property has a good diversity of upland and wetland plant communities. There are approximately 26 acres of Leather Fern and Black Rush Marsh. Upland species observed included mature slash pines, saw palmetto, laurel oak, myrtle oak, live oak, dwarf oak, sand live oak, and wax myrtle. There appears to be good potential for gopher tortoise habitat, although no burrows were detected. There is also potential for eagle nesting habitat in the mature pines. The wetlands are highly productive biologically and provide habitat for a number of listed migratory and wading birds and other species.

Significance for Water Resources

This property is located in the Coastal High Hazard Area and Tropical Storm 1 storm surge flood zone. This property is strategic to flood management. Cohn Branch drains into this property and is an outfall for the Donald Road area. The property provides downstream flood plain protection for Cohn Branch watershed. The wetlands provide flood and erosion control and help improve water quality through filtration.

Potential for Public Uses

The site offers good recreational potential. It has good access from Bayshore Road and is located in a residential area. Canoeing, kayaking, bird watching, and hiking would be suitable recreational activities.

Management Status as of July 2000

- Temporary Conservation 2020 sign has been posted.
- Land stewardship staff has evaluated the level of exotic plant infestation and method of control.
- Exotic plant removal methods and prescribed burning strategy to be drafted in a work plan as time permits. The work plan will be presented to the MSC.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: February 23, 2000

Size: 5.2 acres

Location: Located adjacent to and west of Old Burnt Store Road, approximately 3/8 mile north of NW 40th Street, Cape Coral, Florida; in Section 13, Township 43S, Range 22E.

Significance for Plants and Animals

This property is part of a relatively pristine mesic pine flatwoods forest that is transitional between the coastal mangrove buffer preserve and the Yucca Pen hydric pine flatwoods. This outstanding natural plant community is habitat to a number of listed species including gopher tortoises, fox squirrel and the federally endangered beautiful pawpaw.

Significance for Water Resources

Preservation of this site will help prevent further encroachment of home sites in this coastal High Hazard Area, Tropical Storm Surge Area, and floodplain. Flood water sheet-flows across the site into Pine Island Sound. The sheet-flow action improves the quality of the floodwater.

Potential for Public Uses

This property has good access from Burnt Store Road. It can provide access to Nominations 99, 97, and 95 if the County also acquires them. This site could be co-managed with the Florida Department of Environmental Protection in their management of the Charlotte Harbor Buffer Preserve. Recreation opportunities could include hiking, equestrian, mountain biking, and nature study.

Management Status as of July 2000

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP and FWC are to be written soon. The draft MOA will be reviewed and approval required by the County Attorney's Office, Management Sub-Committee, CLASAC, BOCC and DEP, before it is finalized.
- Staff will be submitting proposals to DEP's Bureau of Invasive Plant Management (BIPM) in September, requesting funding and the use of the

Florida Department of Corrections work crew for exotic invasive plant control. Properties in this area are currently candidates for a proposal.

- No exotic plants present.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: May 11, 2000

Size: 80 acres

Location: Located on Pine Island, approximately 1/4 mile west of Western Drive in Section 22, Township 45 South, Range 22 East. This property is contiguous to State owned property to the south. This coastal property borders the Pine Island Sound Aquatic Preserve to the west.

Significance for Plants and Animals

Mangroves provide important habitat for fish and shore birds, including several listed species and wide ranging migratory birds.

Significance for Water Resources

Mangroves provide flood protection from storm surge flooding. The wetlands provide enhanced water quality through filtration, adsorption, assimilation, and erosion control.

Potential for Public Uses

The site is accessible only by boat. Recreational opportunities may include boating and nature study. The preservation of this mangrove system would maintain its scenic values. Mangroves require relatively little management compared to uplands.

Management Status as of July 2000

- This newly acquired mangrove preserve will require little management due to the habitat type.
- Staff will visit the site to become familiar with it and determine any management needs and possible public uses.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: July 28, 2000

Size: 233.68 acres

Location: Located on the north side of Corkscrew Road approximately 10 miles east of I-75 in Section 21, Township 46S, Range 27E

Significance for Plants and Animals

The property is currently cleared pasture with a series of impacted cypress slough systems. Although the uplands have been cleared, the property serves as a travel corridor and foraging area for wide ranging species such as the Florida panther, black bear, Sand Hill crane, and wood stork. This property is located within the documented Priority 2 Panther Habitat area. The importance of this site would be greatly enhanced if the pine flatwoods and hydrology are restored and the exotics are removed.

Significance for Water Resources

The property serves as a wetland/sheetflow corridor. Agricultural uses have disturbed the natural surface water flow. The site has high potential for groundwater recharge. Preservation of this flow-way will preserve part of the floodplain of a significant watershed. The wetlands provide water quality benefits through filtration.

Potential for Public Uses

Good access is provided by Corkscrew Road for both management and public use. Management activities may require removal of exotics, restoration of hydrology, tree planting, and prescribed burning. Potential recreational activities could include hiking, equestrian, and biking trails. This site offers excellent potential for off-site mitigation.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: April 19, 2000

Size: 5 acres

Location: Located ¼ mile west of Old Burnt Store Road and 3/8 mile north of NW 40th Street, Cape Coral, Florida; in Section 13, Township 43S, Range 22E.

Significance for Plants and Animals

This property is part of a relatively pristine mesic pine flatwoods forest that is transitional between the coastal mangrove buffer preserve and the Yucca Pen hydric pine flatwoods. This outstanding natural plant community is habitat to a number of listed species including gopher tortoise, fox squirrel and the federally endangered beautiful pawpaw.

Significance for Water Resources

Preservation of this site will help prevent further encroachment of home sites in this coastal High Hazard Area, Tropical Storm Surge Area, and floodplain. Flood water sheet-flows across the site into Pine Island Sound. The sheet-flow action improves the quality of the floodwater.

Potential for Public Uses

This site will likely be co-managed with the Florida Department of Environmental Protection in their management of the Charlotte Harbor Buffer Preserve. Recreation opportunities could include hiking, equestrian, and biking trails.

Management Status as of July 2000

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP and FWC are to be written soon. The draft MOA will be reviewed and approval required by the County Attorney's Office, Management Sub-Committee, CLASAC, BOCC and DEP, before it is finalized.
- Staff will be submitting proposals to DEP's Bureau of Invasive Plant Management (BIPM) in September, requesting funding and the use of the Florida Department of Corrections work crew for exotic invasive plant control. Properties in this area are currently candidates for a proposal.
- Melaleuca limited in the northern portion of the site, its control has commenced, approximately 80% complete.
- Currently discussing with Bob Repenning, Manager of the adjacent Charlotte Harbor State Buffer Preserve, a collaborative burn in this area, possibly including sites 91, 96, 99 and DEP lands, for late summer or winter.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: February 23, 2000

Size: 10.429 acres

Location: Located on the west side of Old Burnt Store Road, approximately 1/2 mile north of NW 40th Street, Cape Coral, Florida; in Section 13, Township 43S, Range 22E.

Significance for Plants and Animals

This property is part of a relatively pristine mesic pine flatwoods forest that is transitional between the coastal mangrove buffer preserve and the Yucca Pen hydric pine flatwoods. This outstanding natural plant community is habitat to a number of listed species including gopher tortoise, fox squirrel and the federally endangered beautiful pawpaw.

Significance for Water Resources

Preservation of this site would help prevent further encroachment of home sites in this coastal High Hazard Area, Tropical Storm Surge Area, and floodplain. Flood water sheet-flows across the site into Pine Island Sound. The sheet-flow action improves the quality of the floodwater.

Potential for Public Uses

This property has good access from Old Burnt Store Road. It can provide access to Nominations 99, 97, and 95 if the County also acquires them. This site will be co-managed with the Florida Department of Environmental Protection in their management of the Charlotte Harbor Buffer Preserve. Recreation opportunities could include hiking, equestrian, and mountain biking trails.

Management Status as of July 2000

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP and FWC are to be written soon. The draft MOA will be reviewed and approval required by the County Attorney's Office, Management Sub-Committee, CLASAC, BOCC and DEP, before it is finalized.
- Staff will be submitting proposals to DEP's Bureau of Invasive Plant Management (BIPM) in September, requesting funding and the use of the Florida Department of Corrections work crew for exotic invasive plant control. Properties in this area are currently candidates for a proposal.
- No exotic plants present.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: May 10, 2000

Size: 15.672 acres

Location: Approximately 160 feet west of Old Burnt Store Road and approximately ½ mile north of N.W. 40th Street, Cape Coral, Florida; in Section 13, Township 43S, Range 22E. This property is contiguous to a portion of the Charlotte Harbor Buffer Preserve that was acquired by the State on December 31, 1998. This property is part of the same coastal buffer ecosystem, but was not included in the 1998 acquisition due to its small parcel size.

Significance for Plants and Animals

This property is part of a relatively pristine mesic pine flatwoods forest that is transitional between the coastal mangrove buffer preserve and the Yucca Pen hydric pine flatwoods. This outstanding natural plant community is habitat to a number of listed species including gopher tortoise, fox squirrel and the federally endangered beautiful pawpaw.

Significance for Water Resources

Surface water drains through a natural flow-way across this property. Preservation of this site would help prevent further encroachment of home sites in this coastal High Hazard Area, Tropical Storm Surge Area, and floodplain. Flood water sheet-flows across the site into Pine Island Sound. The sheet-flow action improves the quality of the floodwater.

Potential for Public Uses

This site will be co-managed with the Florida Department of Environmental Protection in their management of the Charlotte Harbor Buffer Preserve. There is a minor infestation of Brazilian pepper along the flow-way that will need to be controlled.

Management Status as of July 2000

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP and FWC are to be written soon. The draft MOA will be reviewed and approval required by the County Attorney's Office, Management Sub-Committee, CLASAC, BOCC and DEP, before it is finalized.
- Staff will be submitting proposals to DEP's Bureau of Invasive Plant Management (BIPM) in September, requesting funding and the use of the Florida Department of Corrections work crew for exotic invasive plant control. Properties in this area are currently candidates for a proposal.

- An initial site inspection revealed a heavy infestation of Brazilian pepper within the two slough systems that bisect the property.

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Name of Preserve: The name of this preserve will be determined by the Management Plan.

Date of County Purchase: March 3, 2000

Size: 83.02 acres

Location: Located directly east of Burnt Store Road, approximately 7 miles north of Pine Island Road; in Section 8, Township 43 South, Range 23 East.

Significance for Plants and Animals

This property is part of the largest remaining tract of intact pine flatwoods in southwest Florida. Many rare plants and animals are documented to use this habitat including the Florida panther and black bear. Golden Leather fern, beautiful pawpaw, gopher tortoise, and fox squirrel have been found on or near this site.

Significance for Water Resources

This property serves as a flowway for surface water as sheet flow. The wetlands provide water quality benefits through filtration. The hydrology of the site has been partially disturbed by ditching.

Potential for Public Uses

There is high recreation potential due to the proximity to other preserve areas, including the Charlotte Harbor Buffer Preserve, Charlotte Harbor Flatwoods, and Babcock/Webb Wildlife Management Area. This property is near the Charlotte Harbor Flatwoods/Cecil B. Webb wildlife management areas, so there may be co-management opportunities with the Florida Fish & Wildlife Conservation Commission.

Management Status as of July 2000

- The draft Memorandum of Agreement (MOA) for the co-management of this site with DEP and FWC are to be written soon. The draft MOA will be reviewed and approval required by the County Attorney's Office, Management Sub-Committee, CLASAC, BOCC and DEP, before it is finalized.

- Staff will be submitting proposals to DEP's Bureau of Invasive Plant Management (BIPM) in September, requesting funding and the use of the Florida Department of Corrections work crew for exotic invasive plant control. Properties in this area are currently candidates for a proposal.
- Melaleuca infestation extensive, will most likely require heavy equipment work. Land stewardship staff to collaborate with FWC on this project once MOA is approved.

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Name of Preserve:

Date of County Purchase: March 30, 2000

Size: 66.01 acres

Location: Located adjacent to and east of Burnt Store Road and adjacent to and south of the Lee/Charlotte County line in Section 5, Township 43 South, Range 23 East.

Significance for Plants and Animals

This property is part of the largest remaining tract of intact pine flatwoods in southwest Florida. Many rare plants and animals are documented within this ecosystem including the Florida panther, black bear, Golden Leatherleaf fern, beautiful pawpaw, gopher tortoise, and fox squirrel.

Significance for Water Resources

Approximately 30% of the site is freshwater wetlands. The property can help provide flood management for the Yucca Pen Creek floodplain. Surface water flows as sheetflow across this property. The wetlands and sheetflow provide water quality benefits.

Potential for Public Uses

There is high recreation potential due to the proximity to other preserve areas, including the Charlotte Harbor Buffer Preserve, Charlotte Harbor Flatwoods, and Babcock/Webb Wildlife Management Area. This property is near the Charlotte Harbor Flatwoods/Cecil B. Webb wildlife management areas, so there may be co-management opportunities with the Florida Fish and Wildlife Conservation Commission.

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Last Updated 08/08/00 10:27 AM

River Run RPD/CPD

Development Type - DCI

Status - Approved

North Fort Myers Planning Community

Project Approvals

Use	ACRES	UNITS	Square Feet	Note
Public				
Non-County Golf Course	0.00			
Grand Total of Public Uses	0.00			
Residential				
Total Residential	1,115.00	1,598	40,000	12,320 Hurricane Shelter
Grand Total of Residential Uses	1,115.00	1,598	40,000	
Project Total	1,115.00	1,598	40,000	

Project Hearings

Resolution #	Hearing Date	Hearing #	Approved	S-T-R:	Notes
PD-94-022	9/23/94	93-08-03-DCI-02(a)	Yes	MANY	Amends density
Z-93-052	10/18/93	93-08-03-DCI-02	Yes	MANY	Rezone AG-2 to RPD/CPD

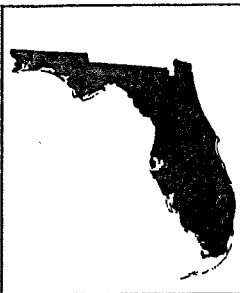
Residential Estimates

As of Decmeber 1999

Fire District	DWELLING UNITS			POPULATION		
	Total	Permanently Occupied	Seasonally Occupied	Permanent	Seasonal	Functional
Alva	1,169	1,006	104	2,286	209	2,495
Bayshore	2,502	2,035	342	4,624	683	5,307
Boca Grande	1,143	446	640	1,013	1,280	2,293
Bonita Springs	23,047	13,073	8,822	29,701	17,644	47,345
Burnt Store	1,214	498	656	1,131	1,311	2,442
Cabbage Key	12	3	9	6	18	23
Cape Coral*	152	95	49	216	99	315
Captiva	1,393	324	1,000	736	1,999	2,735
Cayo Costa	18	4	13	9	27	35
Division of Forestry	12	8	3	19	6	25
Estero	6,815	4,484	1,990	10,188	3,980	14,168
Fort Myers Beach	<i>Contact the Town of Fort Myer Beach</i>					
Fort Myers Shores	3,352	3,013	172	6,845	344	7,188
Fort Myers*	278	242	22	550	44	594
Iona McGregor	29,303	21,394	6,444	48,607	12,888	61,495
Lehigh Acres	13,908	12,486	727	28,367	1,454	29,821
North Fort Myers	27,054	21,110	4,591	47,962	9,183	57,145
Pine Island Matlacha	5,968	3,700	1,969	8,407	3,939	12,346
San Carlos	10,147	7,102	2,537	16,136	5,075	21,211
Sanibel	<i>Contact the City of Sanibel</i>					
South Trail	18,807	14,444	3,423	32,817	6,845	39,662
Tice	7,047	6,286	409	14,282	817	15,099
Upper Captiva	225	47	166	107	333	440
Useppa Island	117	25	87	56	173	229

Source: Lee County DCD/Planning Division Existing Land Use Database

*Figures are for the unincorporated poriton of the fire district. Contact the appropriate municipality for their information.



Projections of Florida population by county, 1999-2030

Stanley K. Smith, Director
and
June Nogle, Associate in Research

People are fascinated by the future. Palm readers, astrologers and crystal ball gazers down through the centuries have found eager buyers for their predictions. Modern-day researchers and forecasters, using computers and large-scale models, continue to find willing audiences. There is particularly great interest in population projections, and for good reason: many types of public and private planning—for schools, hospitals, stores, houses, service stations, roads and countless other projects—require some assessment of future population trends. Yet the future is essentially unknowable. No matter how scientific and sophisticated our projection techniques, we cannot perfectly predict future population trends. In spite of years of developing high-quality data, statistical techniques and computer programs, we still cannot “see” into the future.

We are not completely lost, of course. We can observe population trends that have occurred in the past. We can collect data and build models based on historical trends and relationships. We can then make projections from these models showing what would happen if past trends continued or varied in some particular way. Since the future is intimately tied to the past, these projections will often provide reasonably accurate forecasts of future population change. If constructed and interpreted properly, population projections—although certainly not perfect predictions of the future—can be extremely useful tools for planning and analysis.

The projections published in this bulletin are for the permanent resident population of Florida; they do not include tourists or seasonal residents. Since the future cannot be predicted with absolute certainty, we have produced three sets of projections: low, medium and high. We believe the medium projection is more likely to provide an accurate forecast of future population than either the low or high projections. The low and high projections, however, provide an indication of the range in which future populations might reasonably be expected to lie.

Although these projections provide useful benchmarks for planning and analysis, they should not be interpreted as the only possible scenarios for future population change. Other sources of information at the local level should also be considered when using the projections for planning purposes (particularly for small counties). These projections are designed to assist in the process of planning for future growth and change in Florida, not to form the sole basis for such planning.

State projections

State-level projections were made using a cohort-component methodology in which births, deaths and migration were projected separately for each age-sex cohort in the population. The starting point was the April 1, 1990 population of Florida by age and sex, as enumerated in the decennial census. The total

population number (12,937,926) is the same as was originally published, but the age-sex distribution has been modified by the U.S. Bureau of the Census. This modification had the greatest impact on the number of persons in the 0-4 age group.

Survival rates were applied to each age-sex cohort to project future mortality. These rates were based on Florida Life Tables for 1990, prepared by the Public Health Statistics Section of the Florida Department of Health and Rehabilitative Services. The survival rates were adjusted upward in 2000 and 2010 to account for projected increases in life expectancy (U.S. Census Bureau, *Current Population Reports*, Series P-25, No. 1130, February 1996).

Migration rates were based on 1980 and 1990 census data showing migration patterns for 1975-1980 and 1985-1990, respectively. For each period, domestic immigration rates were calculated for each age-sex cohort by dividing the number of migrants from other states moving into Florida by the mid-decade population of the United States (minus Florida). Domestic outmigration rates for each cohort were calculated by dividing the number of migrants leaving Florida by Florida's mid-decade population. The domestic migration rates used in the projections were based on the average of these two sets of rates. Projections of immigration were then made by applying immigration rates to the population of the United States (minus Florida) and projections of outmigration were made by applying outmigration rates to the Florida population. The projections of the United States population were taken from *Current Population Reports*, Series P-25, No. 1130, February 1996.

Projections of foreign immigration were also based on 1990 decennial census data. The distribution of foreign immigrants by age and sex was projected to remain the same as between 1985 and 1990, but the level (389,868 for 1985-1990) was projected to increase by 25,000 for each five-year period from 2000 to 2020. Foreign emigration was assumed to be 20 percent of foreign immigration in each time period.

Projections were made in five-year intervals, with each projection serving as the base for the following projection. Projected immigration for each five-year interval was added to the survived Florida population at the end of the interval and projected outmigration was subtracted, giving a projection of the population age five and older. Children less than age five were projected by ap-

plying age-specific birth rates (adjusted for child mortality) to the projected female population. These birth rates were based on recent Florida birth data and imply a total fertility rate of 2.05 births per woman. We have projected that this rate will gradually increase to 2.10 by 2020.

Three different migration assumptions were used, providing three sets of projections. The low set applied a weight of 0.9 to the immigration rates for each age-sex cohort for years prior to 2000 and 0.8 thereafter. This set implies net immigration (i.e., the excess of immigrants over outmigrants) of 117,000 to 177,000 per year, about the same as during the low-growth years of the 1970s. The high set applied a weight of 1.25 to the adjusted immigration rates, yielding net migration numbers of 335,000 to 347,000 per year. These numbers are similar to those occurring during the high-growth years of the 1970s and 1980s. The medium set used rates with no weights attached and produced net migration levels of 210,000 to 242,000 per year. To put these figures into perspective, net migration averaged around 270,000 per year during the 1970s and 1980s.

The medium projection for 1995 was controlled to the 1995 population estimate produced by the Bureau of Economic and Business Research (14,149,317). The medium projections for 2000 and 2005 were controlled to the state population forecasts produced by the State of Florida's Consensus Estimating Conference (15,594,326 and 16,882,836, respectively). We believe the medium projection is the most likely to provide an accurate forecast of Florida's future population growth.

County projections

Although the cohort-component technique is a good way to make projections at the state level, it is not necessarily the best way to make long-range projections of total population at the county level. Many counties in Florida are so small that the number of persons in each age-sex category is inadequate for reliable cohort-component projections. Even more important, county growth patterns are so volatile that a single technique based on migration data from one or two time periods may provide misleading results. We believe more useful projections can be made using several different projection techniques and historical base periods.

For counties we made eight projections using four techniques and three different historical base periods. The four techniques were:

1. Linear: population will change by the same number of persons in each future year as the average annual change during the base period.

2. Exponential: population will change at the same percentage rate in each future year as the average annual rate during the base period.

3. Share of growth: each county's share of state population growth in the future will be the same as its share during the base period.

4. Shift share: each county's share of the total state population will change by the same annual amount in the future as the average annual change during the base period.

For the linear and share-of-growth techniques we used base periods of five, ten and fifteen years, yielding three sets of projections for each technique. For the exponential and shift-share techniques we used a single base period of ten years, yielding one set of projections for each technique.

The starting point for each county's projection was the April 1, 1999, population estimate published by the Bureau of Economic and Business Research. The techniques described above provided eight projections for each county for each projection year (2000, 2005, 2010, 2015, 2020, 2025, 2030). In order to moderate the effects of extreme projections, the highest and lowest projections for each county were excluded. The medium projection was then calculated by taking an average of the remaining six projections and adjusting the sum of the county projections to be consistent with the total population change implied by the state projections.

In a number of counties we made special adjustments to the population before applying the techniques described above. This was done to account for special populations such as university students, military personnel and prison inmates. Adjustments were made for counties in which these special populations account for a large proportion of total population or where the special populations have moved counter to trends for the rest of the population. In the present set of projections adjustments were made for Alachua, Baker, Bradford, Calhoun, Charlotte, Columbia, De Soto, Dixie, Escambia, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Martin, Okeechobee, Orange, Santa Rosa, Sumter, Taylor, Union, Wakulla, Walton and Washington counties.

We also made special adjustments in Dade County to account for the effects of Hurricane Andrew, which ripped through the southern tip of Florida in August 1992. This hurricane damaged or destroyed thousands of housing units and forced hundreds of thousands of people to move at least temporarily to other locations. We estimate that the hurricane permanently lowered Dade County's population by 40,000. The projections were adjusted accordingly.

Range of projections

The techniques described above were used to make the medium set of county projections. This is the set we believe is most likely to provide an accurate forecast of future county populations. We have also made low and high sets of projections to provide an indication of the potential variation around the medium projections. These projections were based on an analysis of the errors observed when the projection techniques were applied to a large data base covering three decades and almost 3,000 counties in the United States.

The low and high projections indicate the range in which two-thirds of actual future county populations will fall, if the future distribution of forecast errors is similar to the past distribution. The range varies according to county population size in 1999 (less than 25,000; 25,000 or more), growth rate between 1989 and 1999 (less than 25 percent; 25-50 percent; 50 percent or more), and the length of the projection horizon (forecast errors in each size-growth category are assumed to grow linearly with the length of the projection horizon). Our studies have found that the distribution of absolute percent errors tends to remain fairly stable over time, leading us to believe that the low and high projections provide a realistic indication of the potential degree of uncertainty surrounding the medium projections.

Note: For the medium set of projections, the sum of the county projections equals the state projection for each year (except for slight differences due to rounding). For the high and low sets, however, the sum of the county projections does not equal the state projection. This occurs because potential variation around the medium projection is much greater for counties (especially small and/or rapidly growing counties) than for the state as a whole. Thus the sum of the low projections for counties is lower than the state low projection and the sum of the high projections is higher than the state high projection.

**Florida state and county population estimates for April 1, 1999,
and projections for 2000-2030**

COUNTY	ESTIMATE APRIL 1 1999	PROJECTIONS, APRIL 1						
		2000	2005	2010	2015	2020	2025	2030
ALACHUA	216,249							
LOW		213,600	216,700	217,600	214,900	209,800	202,600	193,200
MEDIUM		220,100	237,100	253,600	268,500	282,800	296,700	309,400
HIGH		226,800	259,600	294,500	329,200	364,900	402,200	440,300
BAKER	21,879							
LOW		21,400	21,400	20,900	20,300	19,300	18,000	16,300
MEDIUM		22,300	24,100	25,900	27,700	29,600	31,400	33,000
HIGH		23,200	27,200	31,400	36,000	41,000	46,200	51,700
BAY	150,119							
LOW		148,100	150,300	150,900	150,100	148,000	144,300	138,700
MEDIUM		152,600	164,300	175,500	187,100	199,000	210,600	221,200
HIGH		157,200	180,100	204,100	229,900	257,500	286,400	316,100
BRADFORD	25,500							
LOW		25,200	24,700	24,100	23,400	22,600	21,600	20,400
MEDIUM		25,900	27,100	28,200	29,400	30,600	31,800	32,800
HIGH		26,700	29,600	32,700	35,900	39,300	42,900	46,500
BREVARD	474,803							
LOW		469,200	480,200	485,600	486,200	482,200	472,400	456,200
MEDIUM		483,300	524,500	564,200	605,000	647,300	688,300	725,900
HIGH		498,200	575,200	656,900	744,700	838,900	937,700	1,039,600
BROWARD	1,490,289							
LOW		1,471,500	1,501,100	1,512,700	1,510,400	1,493,900	1,460,100	1,407,200
MEDIUM		1,516,000	1,640,000	1,758,500	1,880,700	2,007,000	2,129,500	2,241,400
HIGH		1,562,500	1,798,100	2,046,600	2,313,400	2,599,100	2,898,500	3,206,500
CALHOUN	14,117							
LOW		13,800	13,600	13,100	12,400	11,400	10,100	8,400
MEDIUM		14,500	15,900	17,300	18,700	20,200	21,800	23,100
HIGH		15,300	18,400	21,900	25,700	30,000	34,700	39,500
CHARLOTTE	136,773							
LOW		134,600	137,900	138,400	136,600	132,400	125,500	115,500
MEDIUM		140,100	155,500	170,400	185,800	201,900	217,700	232,200
HIGH		145,800	175,500	207,600	242,900	281,500	322,700	365,800
CITRUS	114,898							
LOW		112,800	114,800	114,700	112,700	108,800	102,700	94,200
MEDIUM		117,400	129,500	141,300	153,500	166,100	178,400	189,700
HIGH		122,200	146,100	172,100	200,400	231,200	264,100	298,400
CLAY	139,631							
LOW		137,800	143,600	146,100	145,900	142,800	136,400	126,500
MEDIUM		143,400	161,700	179,500	197,900	217,100	235,900	253,400
HIGH		149,300	182,700	219,200	259,300	303,400	350,800	400,600
COLLIER	219,685							
LOW		216,000	225,800	228,000	223,400	211,400	191,400	163,000
MEDIUM		227,100	262,900	297,800	334,300	372,500	410,100	445,200
HIGH		238,800	305,500	380,100	463,900	557,400	659,400	768,400
COLUMBIA	56,514							
LOW		56,600	57,600	57,600	56,700	54,800	51,800	47,600
MEDIUM		58,900	65,000	71,000	77,100	83,600	89,900	95,700
HIGH		61,300	73,400	86,400	100,800	116,400	133,100	150,600
DE SOTO	28,438							
LOW		28,200	29,000	29,000	28,700	28,300	27,500	26,400
MEDIUM		29,100	31,700	33,700	35,800	38,000	40,200	42,100
HIGH		29,900	34,700	39,200	44,000	49,200	54,600	60,100
DIXIE	13,478							
LOW		13,100	13,200	12,800	12,100	11,100	9,800	8,200
MEDIUM		13,800	15,400	16,800	18,300	19,800	21,300	22,700
HIGH		14,500	17,800	21,300	25,200	29,400	33,900	38,700

**Florida state and county population estimates for April 1, 1999,
and projections for 2000-2030 (continued)**

COUNTY	ESTIMATE APRIL 1 1999	PROJECTIONS, APRIL 1						
		2000	2005	2010	2015	2020	2025	2030
DUVAL	762,846							
LOW		749,700	748,400	740,400	727,200	708,700	683,700	651,600
MEDIUM		772,500	818,900	863,100	908,800	956,100	1,001,900	1,043,700
HIGH		796,100	896,400	1,001,700	1,113,800	1,233,000	1,357,300	1,484,900
ESCAMBIA	301,613							
LOW		296,000	294,100	289,800	283,600	275,500	265,000	251,800
MEDIUM		305,100	321,900	338,100	354,700	372,000	388,700	403,900
HIGH		314,400	352,200	392,100	434,400	479,200	526,000	573,900
FLAGLER	45,818							
LOW		45,500	49,400	51,300	51,400	49,600	45,600	39,300
MEDIUM		47,800	57,400	66,800	76,600	86,900	97,100	106,600
HIGH		50,300	66,900	85,600	106,800	130,700	156,900	185,100
FRANKLIN	10,872							
LOW		10,600	10,600	10,300	10,000	9,500	8,800	8,000
MEDIUM		11,100	11,900	12,800	13,600	14,500	15,400	16,200
HIGH		11,500	13,400	15,500	17,700	20,100	22,700	25,300
GADSDEN	51,478							
LOW		50,400	50,300	49,500	48,100	45,900	42,900	39,000
MEDIUM		52,400	56,800	61,100	65,600	70,200	74,700	78,800
HIGH		54,600	64,000	74,300	85,500	97,500	110,200	123,400
GILCHRIST	13,406							
LOW		13,200	13,600	13,500	13,100	12,200	11,000	9,300
MEDIUM		13,900	15,800	17,700	19,600	21,600	23,600	25,500
HIGH		14,600	18,400	22,500	27,100	32,300	37,800	43,800
GLADES	9,867							
LOW		9,700	9,400	9,000	8,300	7,500	6,600	5,400
MEDIUM		10,200	11,000	11,800	12,600	13,400	14,300	15,000
HIGH		10,700	12,700	14,900	17,300	19,900	22,600	25,500
GULF	14,403							
LOW		13,900	14,200	13,200	12,100	10,700	9,200	7,500
MEDIUM		14,600	16,700	17,500	18,400	19,300	20,100	20,900
HIGH		15,300	19,200	22,100	25,100	28,300	31,700	35,200
HAMILTON	14,376							
LOW		14,500	14,200	13,600	12,700	11,600	10,200	8,400
MEDIUM		15,300	16,600	17,900	19,200	20,600	22,000	23,300
HIGH		16,000	19,200	22,700	26,500	30,600	35,000	39,600
HARDEE	22,594							
LOW		21,900	20,500	19,000	17,300	15,700	13,900	12,100
MEDIUM		22,800	23,200	23,600	24,000	24,400	24,700	25,000
HIGH		23,700	26,100	28,400	30,800	33,300	35,700	38,300
HENDRY	30,552							
LOW		30,200	30,600	30,600	30,300	29,800	29,000	27,800
MEDIUM		31,200	33,400	35,600	37,800	40,100	42,400	44,400
HIGH		32,100	36,600	41,400	46,500	51,900	57,600	63,400
HERNANDO	127,392							
LOW		125,500	129,800	131,600	130,800	127,600	121,500	112,400
MEDIUM		130,600	146,300	161,700	177,600	194,200	210,400	225,300
HIGH		136,000	165,200	197,400	232,600	271,100	312,400	355,800
HIGHLANDS	81,143							
LOW		80,100	81,700	82,400	82,300	81,400	79,600	76,800
MEDIUM		82,500	89,300	95,800	102,500	109,400	116,100	122,300
HIGH		85,100	97,900	111,500	126,000	141,700	158,100	174,900
HILLSBOROUGH	967,511							
LOW		953,500	964,500	966,000	959,900	944,700	919,300	882,700
MEDIUM		982,400	1,054,300	1,124,000	1,196,500	1,270,800	1,342,800	1,408,500
HIGH		1,012,500	1,155,200	1,306,900	1,470,200	1,643,500	1,824,800	2,011,300

**Florida state and county population estimates for April 1, 1999,
and projections for 2000-2030 (continued)**

COUNTY	ESTIMATE APRIL 1 1999	PROJECTIONS, APRIL 1						
		2000	2005	2010	2015	2020	2025	2030
HOLMES	18,899							
LOW		18,500	18,000	17,400	16,500	15,500	14,300	12,800
MEDIUM		19,200	20,400	21,500	22,700	23,900	25,000	26,100
HIGH		20,000	22,900	26,000	29,400	33,000	36,700	40,500
INDIAN RIVER	109,579							
LOW		107,500	108,700	108,000	105,600	101,600	95,500	87,400
MEDIUM		111,800	122,700	133,100	144,000	155,200	166,200	176,200
HIGH		116,400	138,400	162,000	187,800	215,800	245,700	276,800
JACKSON	49,469							
LOW		48,700	49,400	49,000	48,200	47,000	45,400	43,200
MEDIUM		50,200	54,000	57,100	60,200	63,400	66,400	69,200
HIGH		51,700	59,200	66,200	73,700	81,700	90,000	98,500
JEFFERSON	14,424							
LOW		13,900	13,400	12,600	11,600	10,400	9,000	7,300
MEDIUM		14,600	15,600	16,600	17,600	18,600	19,600	20,400
HIGH		15,400	18,100	20,900	24,000	27,400	30,900	34,600
LAFAYETTE	6,961							
LOW		6,900	7,000	6,800	6,500	5,900	5,200	4,400
MEDIUM		7,300	8,200	9,000	9,700	10,500	11,300	12,000
HIGH		7,700	9,500	11,400	13,400	15,700	18,000	20,600
LAKE	203,863							
LOW		201,500	210,800	215,300	215,700	211,800	202,800	188,500
MEDIUM		209,600	237,400	264,400	292,500	321,700	350,500	377,200
HIGH		218,300	268,300	323,000	383,500	450,000	521,600	597,000
LEE	417,114							
LOW		409,800	417,800	417,800	411,000	397,100	375,100	344,600
MEDIUM		426,500	471,300	514,500	559,400	605,900	651,400	693,300
HIGH		443,900	531,700	626,700	730,600	843,900	964,700	1,091,100
LEON	237,637							
LOW		231,900	232,000	228,500	220,200	208,400	193,300	174,700
MEDIUM		241,400	262,300	282,500	301,300	319,800	337,800	354,300
HIGH		251,200	295,300	342,700	391,500	442,800	497,000	553,200
LEVY	33,408							
LOW		32,900	33,600	33,700	33,300	32,200	30,500	28,100
MEDIUM		34,200	37,900	41,500	45,300	49,200	53,000	56,500
HIGH		35,600	42,800	50,600	59,200	68,500	78,500	89,000
LIBERTY	8,048							
LOW		7,800	7,700	7,300	6,600	5,800	4,600	3,200
MEDIUM		8,300	9,300	10,200	11,200	12,200	13,200	14,200
HIGH		8,800	11,000	13,500	16,300	19,300	22,700	26,200
MADISON	19,632							
LOW		19,200	18,700	18,100	17,200	16,200	14,900	13,300
MEDIUM		19,900	21,200	22,400	23,600	24,900	26,100	27,200
HIGH		20,800	23,800	27,100	30,600	34,300	38,200	42,300
MANATEE	253,207							
LOW		250,400	257,000	260,400	261,200	259,500	254,700	246,300
MEDIUM		258,000	280,700	302,400	324,900	348,200	370,900	391,700
HIGH		265,900	307,800	352,300	400,100	451,500	505,600	561,300
MARION	249,433							
LOW		245,600	252,800	254,800	252,400	245,300	233,000	215,100
MEDIUM		255,500	285,000	313,400	343,000	373,700	403,900	431,700
HIGH		266,000	321,700	382,200	448,600	521,400	599,200	681,000
MARTIN	121,514							
LOW		119,200	120,400	119,500	116,700	112,100	105,400	96,400
MEDIUM		124,100	135,900	147,300	159,100	171,400	183,300	194,400
HIGH		129,100	153,200	179,200	207,500	238,300	271,000	305,200

**Florida state and county population estimates for April 1, 1999,
and projections for 2000-2030 (continued)**

COUNTY	ESTIMATE APRIL 1 1999	PROJECTIONS, APRIL 1						
		2000	2005	2010	2015	2020	2025	2030
MIAMI-DADE	2,126,702							
LOW		2,088,100	2,074,800	2,044,400	2,000,600	1,943,200	1,869,200	1,776,700
MEDIUM		2,151,700	2,270,800	2,384,800	2,502,400	2,623,900	2,741,800	2,849,500
HIGH		2,217,200	2,485,200	2,765,900	3,064,300	3,380,700	3,710,400	4,048,500
MONROE	87,030							
LOW		85,400	84,700	83,400	81,600	79,200	76,200	72,400
MEDIUM		88,000	92,700	97,300	102,100	107,000	111,800	116,100
HIGH		90,700	101,500	112,900	125,000	137,900	151,200	164,900
NASSAU	57,381							
LOW		56,500	58,500	59,400	59,400	58,000	55,300	51,200
MEDIUM		58,800	66,000	73,000	80,600	88,200	95,700	102,600
HIGH		61,300	74,500	89,100	105,600	123,300	142,200	162,100
OKALOOSA	179,589							
LOW		176,200	178,400	177,500	173,700	167,200	157,400	144,100
MEDIUM		183,300	201,400	218,700	236,700	255,400	273,600	290,400
HIGH		190,800	227,100	266,200	308,900	355,300	404,700	456,300
OKEECHOBEE	35,510							
LOW		35,200	35,400	35,200	34,800	34,200	33,200	31,800
MEDIUM		36,200	38,700	41,000	43,500	46,100	48,500	50,800
HIGH		37,300	42,400	47,700	53,400	59,500	65,900	72,400
ORANGE	846,328							
LOW		833,000	856,700	862,900	854,200	829,900	787,900	726,700
MEDIUM		866,900	965,900	1,061,600	1,161,000	1,264,400	1,365,700	1,459,300
HIGH		902,400	1,090,400	1,294,400	1,518,500	1,763,600	2,026,000	2,301,400
OSCEOLA	157,376							
LOW		154,900	162,700	164,800	161,900	153,600	139,400	118,800
MEDIUM		162,800	189,400	215,200	242,200	270,500	298,300	324,300
HIGH		171,200	220,100	274,700	336,300	405,000	480,000	560,300
PALM BEACH	1,042,196							
LOW		1,031,300	1,062,200	1,079,200	1,085,600	1,081,000	1,062,900	1,029,900
MEDIUM		1,062,400	1,159,700	1,253,000	1,349,500	1,449,500	1,546,800	1,636,100
HIGH		1,095,100	1,272,300	1,460,100	1,662,800	1,880,600	2,110,000	2,346,800
PASCO	326,494							
LOW		322,000	326,800	328,400	327,300	322,900	314,900	302,900
MEDIUM		331,800	357,200	381,900	407,700	434,000	459,600	482,900
HIGH		341,900	391,500	444,300	501,300	561,700	625,000	690,100
PINELLAS	898,784							
LOW		877,400	848,700	816,400	781,200	743,100	701,400	655,600
MEDIUM		904,300	930,600	955,900	982,100	1,009,400	1,036,000	1,060,400
HIGH		931,600	1,016,600	1,104,500	1,196,500	1,292,800	1,392,300	1,493,800
POLK	474,704							
LOW		467,800	472,800	472,500	468,400	460,200	447,100	428,600
MEDIUM		482,000	516,800	550,000	584,200	619,400	653,400	684,400
HIGH		496,800	566,300	639,300	717,400	800,600	887,500	976,600
PUTNAM	72,883							
LOW		71,600	71,100	70,100	68,700	66,900	64,400	61,300
MEDIUM		73,700	77,900	81,800	85,900	90,200	94,400	98,200
HIGH		76,000	85,200	94,900	105,200	116,300	127,800	139,600
ST. JOHNS	113,941							
LOW		112,700	118,300	121,200	121,600	119,600	114,700	106,700
MEDIUM		117,200	133,200	148,700	164,800	181,600	198,100	213,400
HIGH		122,100	150,600	181,700	216,200	254,100	294,900	337,900
ST. LUCIE	186,905							
LOW		183,700	188,000	188,500	185,900	180,000	170,400	156,800
MEDIUM		191,200	212,000	232,000	252,900	274,500	295,600	315,100
HIGH		199,000	239,200	282,700	330,500	382,500	438,100	496,400

**Florida state and county population estimates for April 1, 1999,
and projections for 2000-2030 (continued)**

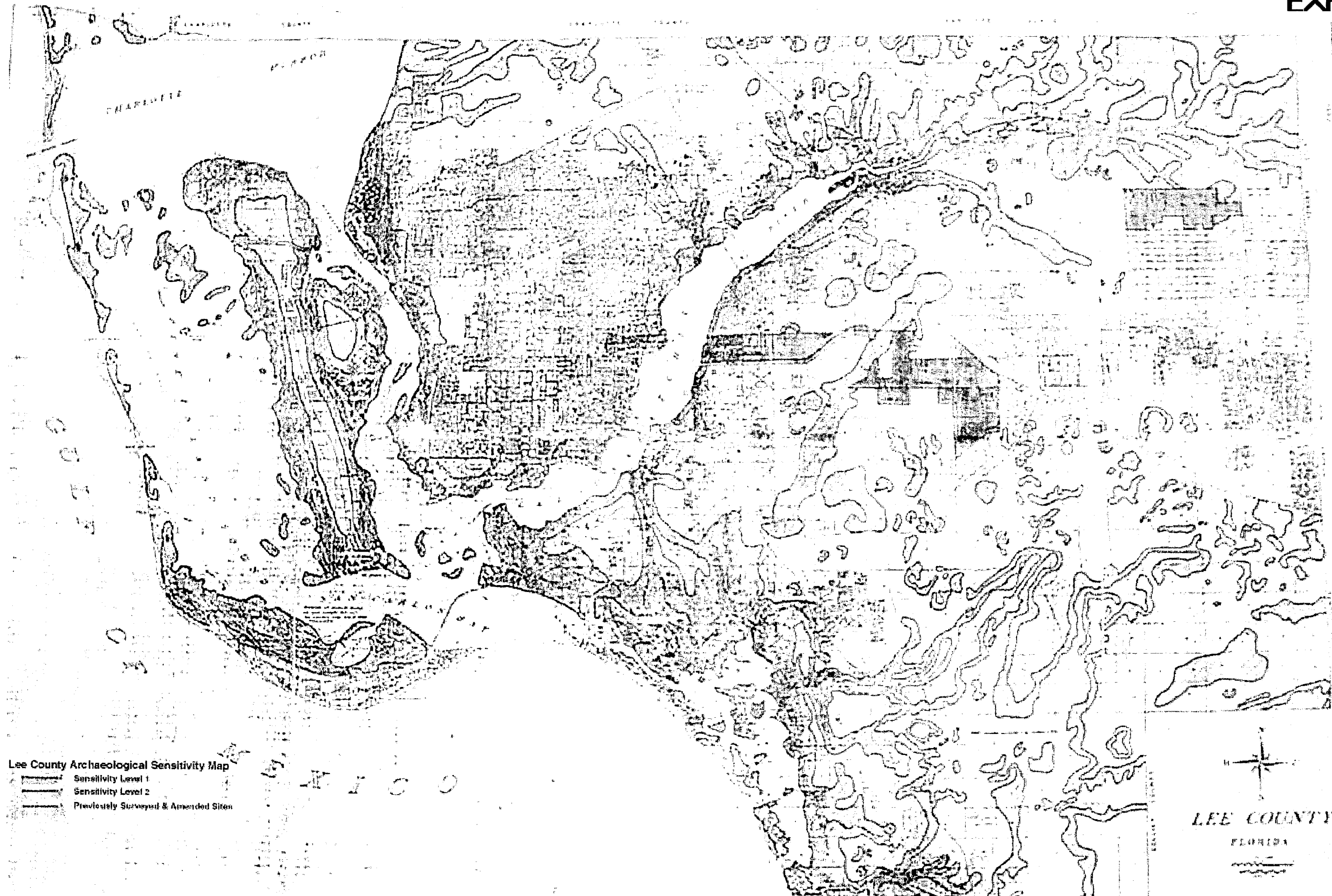
COUNTY	ESTIMATE APRIL 1 1999	PROJECTIONS, APRIL 1						
		2000	2005	2010	2015	2020	2025	2030
SANTA ROSA	112,631							
LOW		111,400	116,700	119,200	119,500	117,400	112,500	104,600
MEDIUM		115,900	131,400	146,400	162,000	178,300	194,400	209,300
HIGH		120,700	148,500	178,900	212,500	249,500	289,300	331,300
SARASOTA	321,044							
LOW		316,300	319,600	319,300	316,400	310,900	302,200	289,800
MEDIUM		325,900	349,400	371,700	394,700	418,500	441,600	462,700
HIGH		335,900	382,800	432,000	484,700	541,000	599,800	660,400
SEMINOLE	354,148							
LOW		347,700	354,400	354,100	348,100	336,200	317,400	291,400
MEDIUM		361,900	399,800	436,100	473,900	513,000	551,300	586,500
HIGH		376,700	451,000	531,200	618,900	714,400	816,200	922,800
SUMTER	50,823							
LOW		50,100	52,300	53,000	51,900	49,100	44,500	37,800
MEDIUM		52,600	60,900	69,200	77,700	86,500	95,300	103,400
HIGH		55,300	70,800	88,300	107,800	129,500	153,200	178,400
SUWANNEE	34,386							
LOW		33,800	34,700	34,900	34,500	33,500	31,700	29,200
MEDIUM		35,200	39,100	43,000	46,900	51,000	55,100	58,800
HIGH		36,600	44,200	52,400	61,300	71,200	81,600	92,600
TAYLOR	19,836							
LOW		20,200	19,200	18,000	16,800	15,400	13,900	12,300
MEDIUM		21,000	21,700	22,400	23,100	23,900	24,600	25,200
HIGH		21,900	24,400	27,000	29,800	32,800	35,800	38,900
UNION	13,833							
LOW		13,800	13,400	12,700	11,800	10,700	9,300	7,700
MEDIUM		14,500	15,700	16,800	17,900	19,100	20,300	21,400
HIGH		15,300	18,100	21,200	24,600	28,300	32,200	36,300
VOLUSIA	426,815							
LOW		420,700	425,600	426,300	423,800	417,900	406,700	390,400
MEDIUM		433,400	465,300	496,100	528,300	562,000	594,000	623,000
HIGH		446,700	509,800	576,800	649,200	727,100	807,300	889,500
WAKULLA	20,648							
LOW		20,500	21,100	21,000	20,200	18,900	16,900	14,300
MEDIUM		21,600	24,600	27,400	30,400	33,400	36,400	39,200
HIGH		22,700	28,600	34,900	42,000	49,900	58,400	67,400
WALTON	40,466							
LOW		40,100	42,400	43,800	44,200	43,700	42,100	39,300
MEDIUM		41,700	47,800	53,700	59,800	66,200	72,600	78,400
HIGH		43,400	54,000	65,700	78,600	92,800	108,200	124,400
WASHINGTON	22,155							
LOW		21,500	21,100	20,300	19,100	17,500	15,300	12,700
MEDIUM		22,600	24,700	26,700	28,900	31,100	33,200	35,200
HIGH		23,800	28,600	33,800	39,700	46,100	52,800	59,900
FLORIDA	15,322,040							
LOW		15,080,400	15,708,700	16,373,400	17,102,800	17,901,200	18,697,400	19,429,200
MEDIUM		15,594,300	16,882,800	18,121,300	19,400,900	20,725,000	22,014,100	23,198,000
HIGH		16,052,800	17,892,900	19,716,500	21,555,100	23,411,200	25,197,400	26,835,800

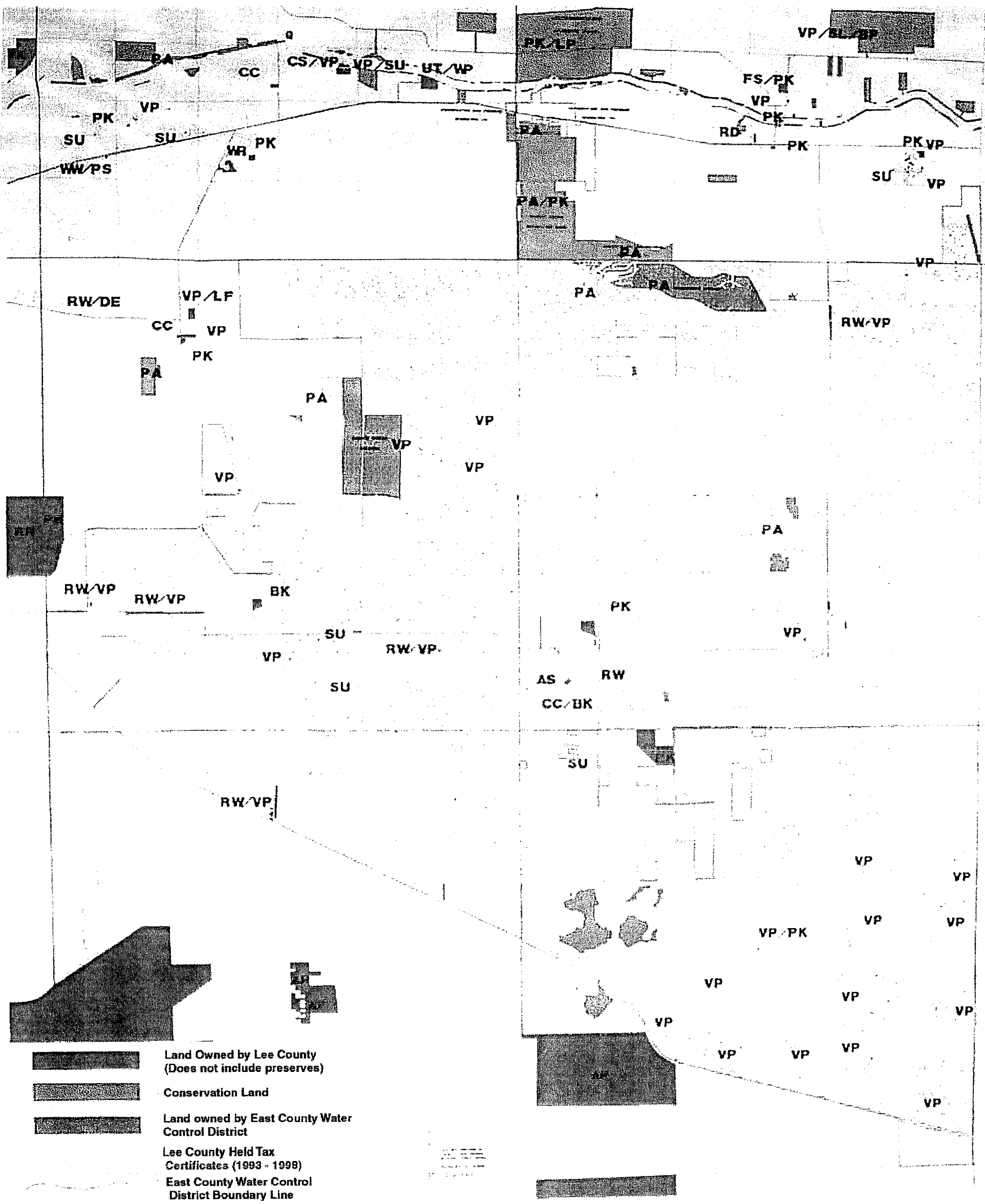


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Bureau of Economic and Business Research
Warrington College of Business Administration
221 Matherly Hall, Post Office Box 117145
Gainesville, Florida 32611-7145

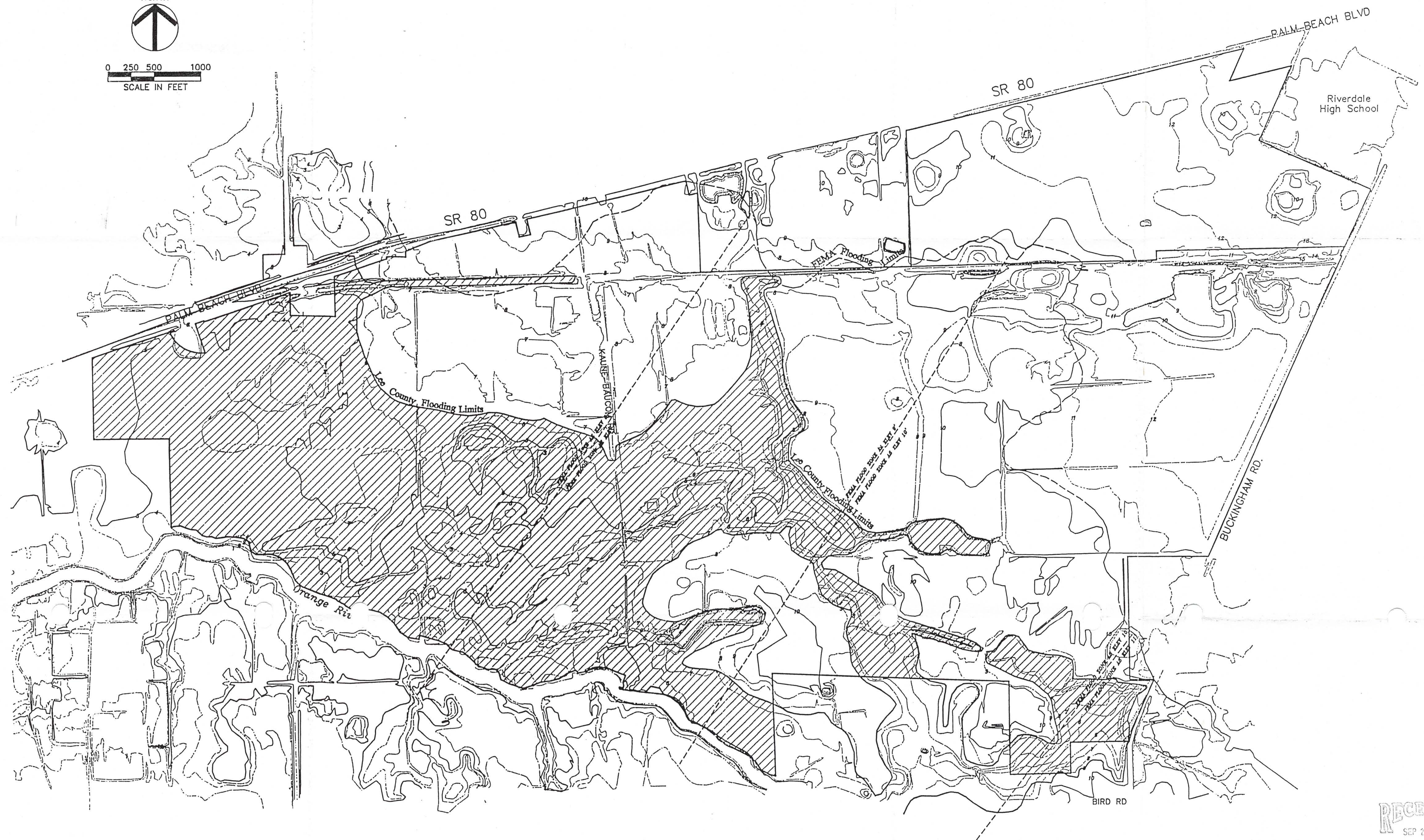
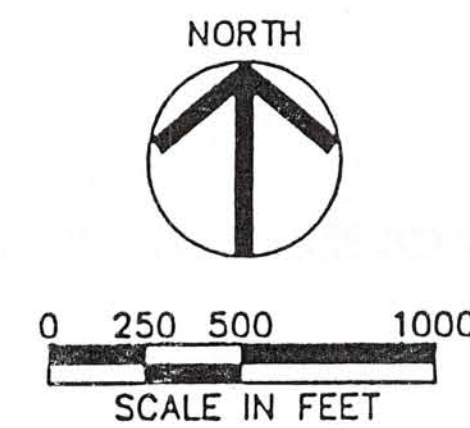
phone (352) 392-0171
fax (352) 392-4739
email: Info@bebr.ufl.edu
<http://www.bebr.ufl.edu>





APPENDIX H

RECEIVED
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LEE COUNTY



RECEIVED
SEP 29 2000
PERMIT COUNTER

EXHIBIT C.3

1" CONTOUR BASED ON LEE COUNTY AERIAL DATA OF VARIOUS DATES.

Lee County, Florida

Topographic Map
and Flooding Limits

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0048

DATE	PROJECT NO.	FILE NO.	SCALE
09/23/99	19991536	28-44-26	1" = 500'