

4/28/14 LPA Meeting

RE: Land Use Map, Bayshore Community

LPA Members,

We would appreciate your consideration of the issue discussed below since it is an extremely important matter to the Bayshore Community. On April 15th 2013 County Staff came to a Bayshore meeting to present the draft land use map for Bayshore. We reviewed the map and supported the revisions made to the current map, which changed an area north of Bayshore Road from sub-outlying suburban to rural. This change is important to the Bayshore Community because of the flood prone nature of Bayshore and because the area in question is within the watersheds that experience the most severe flooding problems. We know that the higher the allowable density, the more land that needs to be filled within the floodplain which exacerbates the flooding. We've seen the studies that conclude this point. So we were distressed to discover on April 17th 2014 that the new draft map reverted the land use to sub-outlying suburban.

Severe flooding in many parts of Bayshore has always been a problem. In 1981 the BOCC declared a building moratorium in Bayshore due to flooding. Yet somehow the land use for one of the most flood prone areas was later designated as sub-outlying suburban. We know how there are influences that sometimes cause bad decisions to be made. Anyway, in more recent years, states of emergency have been declared in Bayshore due to flooding in 2006, 2008, 2010, and 2013. So the problem has never been substantially addressed. Please consider the following from the Lee Plan (I've added the blue highlights).

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or **require the density and design to be adjusted accordingly**. **Such constraints or hazards include but are not limited to flood, storm**, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

OBJECTIVE 59.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will **improve the protection of present and future uses of real property from**

[stormwater flooding](#), while preserving or enhancing the environmental and natural resource values of both land and water.

POLICY 60.5.5: The County will continue to coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and /or [credits for implementation of regional surface water management systems that address flood protection](#), water quality/environmental enhancement and water conservation.

POLICY 61.3.2: [Floodplains must be managed to minimize the potential loss of life and damage to property by flooding.](#)

GOAL 110: HAZARD MITIGATION. To provide through county plans, programs, and regulations [means to minimize future property losses from natural disasters such as flooding](#), tropical storms and hurricanes.

Please also note that map 9 of the Lee Plan designates Bayshore along with the Six Mile Cypress Slough as areas that flood due to rainfall.

When Stoneybrook North was reviewed by Water Management at their August 14th 2008 meeting the following comments were made by 2 of the governing board members. At the time US Homes was planning a subdivision at 2 units per acre within the floodplain where we're asking the land use to be changed.

Shannon Estenoz's comments:

["When I was first shown this aerial, the very first thought in my head was, this is the craziest comp planning thing I have ever seen in my entire life."](#)

"So today-what we have here- in my experience this happens to neighborhoods all the time. This happens to just citizens who are moms and dads and teachers where they have to become land-use experts. Experts in incredibly complex law that they have to hire attorneys because government is doing what I frankly think is really piecemeal and poor decision making."

"This screams better big picture thinking."

"Where you have this huge PUD in the middle of a rural area discharging to the Caloosahatchee River where we as an agency are paying hundreds of millions of dollars to restore the Caloosahatchee and estuary. [I just, I hope that the next generations of decision makers does a better job than this and that 10 years from now a board member does not have to look at an aerial like this and scratch their head and go "What in the world"- how does this kind of thing happen."](#)

One of Melissa Meeker's comments was:

"I could keep rattling off this list of these large areas that are very low density. They were cheaper pieces of property, the taxes were low because there were no services. [As newer homes were built they were built higher so they would not flood which just made the flooding worse in the area. It's bad planning."](#)

Many Bayshore residents have endured severe flooding that occurs every 2-3 years. If you haven't experienced it, it's hard to appreciate the distress caused when flooding lasts for weeks and months, there's no place to put your animals, access to your home is at risk, your septic tank is submerged and doesn't work, and services such as garbage, mail, and UPS are suspended. The current residents deserve implementation of the goals, objectives, and policies of the Lee Plan quoted above.

We have an opportunity with the updated Land Use Map to reduce potential exacerbation of the problem by reducing the density in this flood prone area. If we don't do something now, then when?

We ask that the LPA direct Staff to reinstate the rural designation for the areas in Bayshore north of Bayshore Road now shown as sub-outlying suburban, and prepare a recommended plan to implement the change. Property owners in the area effected by the change can be issued TDR's which can be sold as compensation. (Please note that policy 60.5.5 above talks about credits to address flood protection) This needs to be done for the health, safety, and welfare of the Bayshore Community.

Thank you,

Steve Brodtkin

President CCBC

(Concerned Citizens of Bayshore Community)

March 18, 2014
Lee County Development Dept.
Attn: Paul O'Connor
P O Box 348
Fort Myers, FL 33902-0398

Dear Mr. O'Connor,

Judith A. Kamnski, Janet L. Pallo and John D. Pallo, owners of condominium # 101, Riverside Beach, Strap #17-45-24-01-00000.00CE, 12498 Riverside Drive, Fort Myers, 33919 ask that you consider our objection to the property we own for redesignation from Central Urban to S-6, which would change our present allocation from 10 units per acre to 6 units per acre..

Rezoning to S-10 instead of S-6 secure would secure our present 10 units per acre.

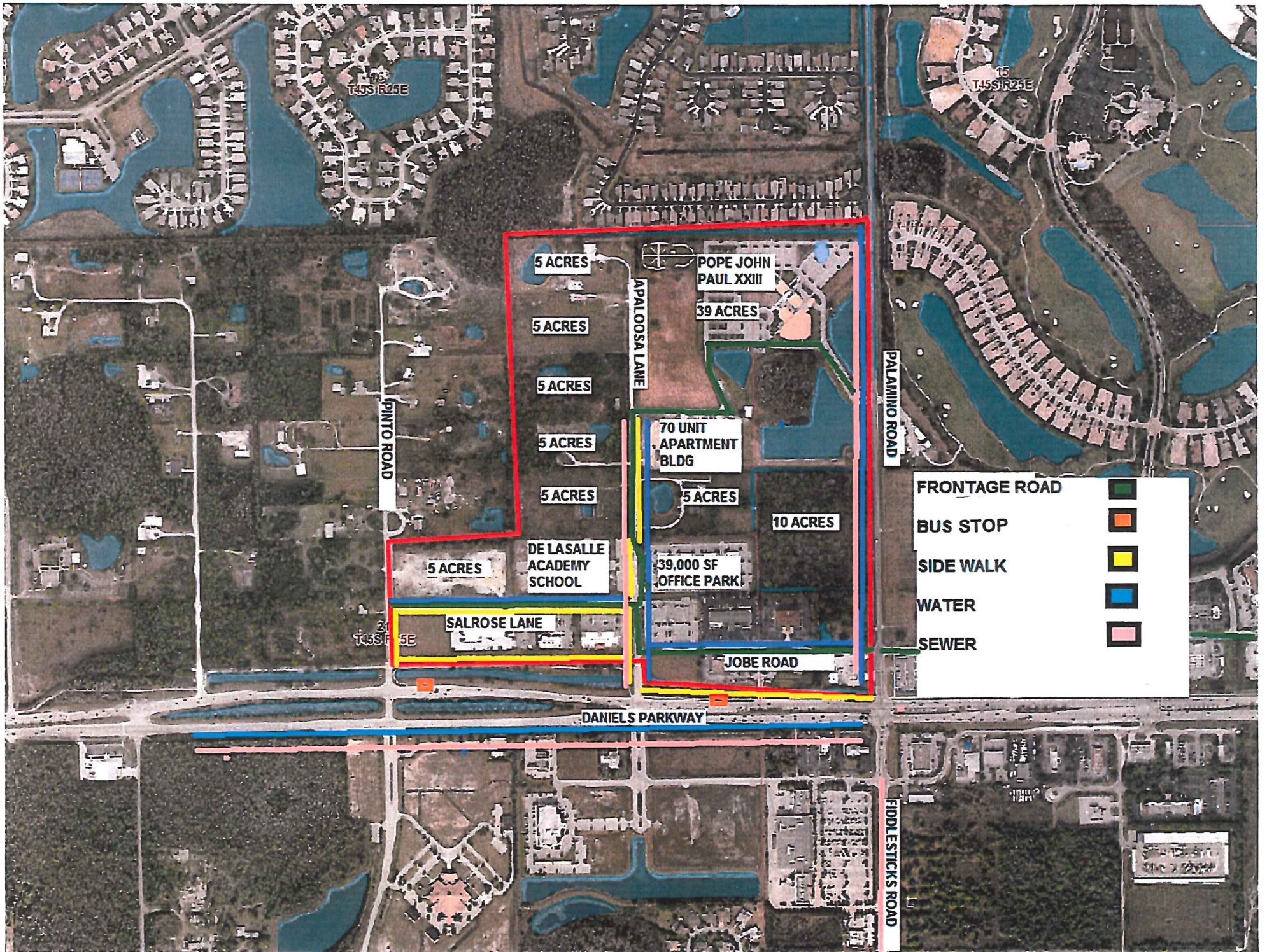
Riverside Beach property owners would obviously benefit if there were a future development. The county would benefit as well from the larger tax base

Thank you for your help,

Unit Owners:

101	<u>Judith A Kamnski</u>	102	<u>[Signature]</u>
103	<u>Janet M Campbell</u>	104	<u>A Hall</u>
105	<u>_____</u>	106	<u>Allen & Carl</u>
107	<u>_____</u>	201	<u>Ethel Barbara</u>
202	<u>[Signature]</u>	203	<u>A Hall</u>
204	<u>Anthony J Giordano Jr</u>	205	<u>Frank J. Sombau</u>
206	<u>_____</u>	207	<u>_____</u>

Copy to:
Chahram Badamtchian, AICP Senior Planner
Brandon D. Dunn, Senior Planner



5 ACRES

5 ACRES

5 ACRES

5 ACRES

5 ACRES

5 ACRES

DE LASALLE
ACADEMY
SCHOOL

SALROSE LANE

APALOSA LANE

POPE JOHN
PAUL XXIII
39 ACRES

70 UNIT
APARTMENT
BLDG

5 ACRES

10 ACRES

39,000 SF
OFFICE PARK

JOB ROAD

DANIELS PARKWAY

PALAMINO ROAD

FIDDLESTICKS ROAD

FRONTAGE ROAD

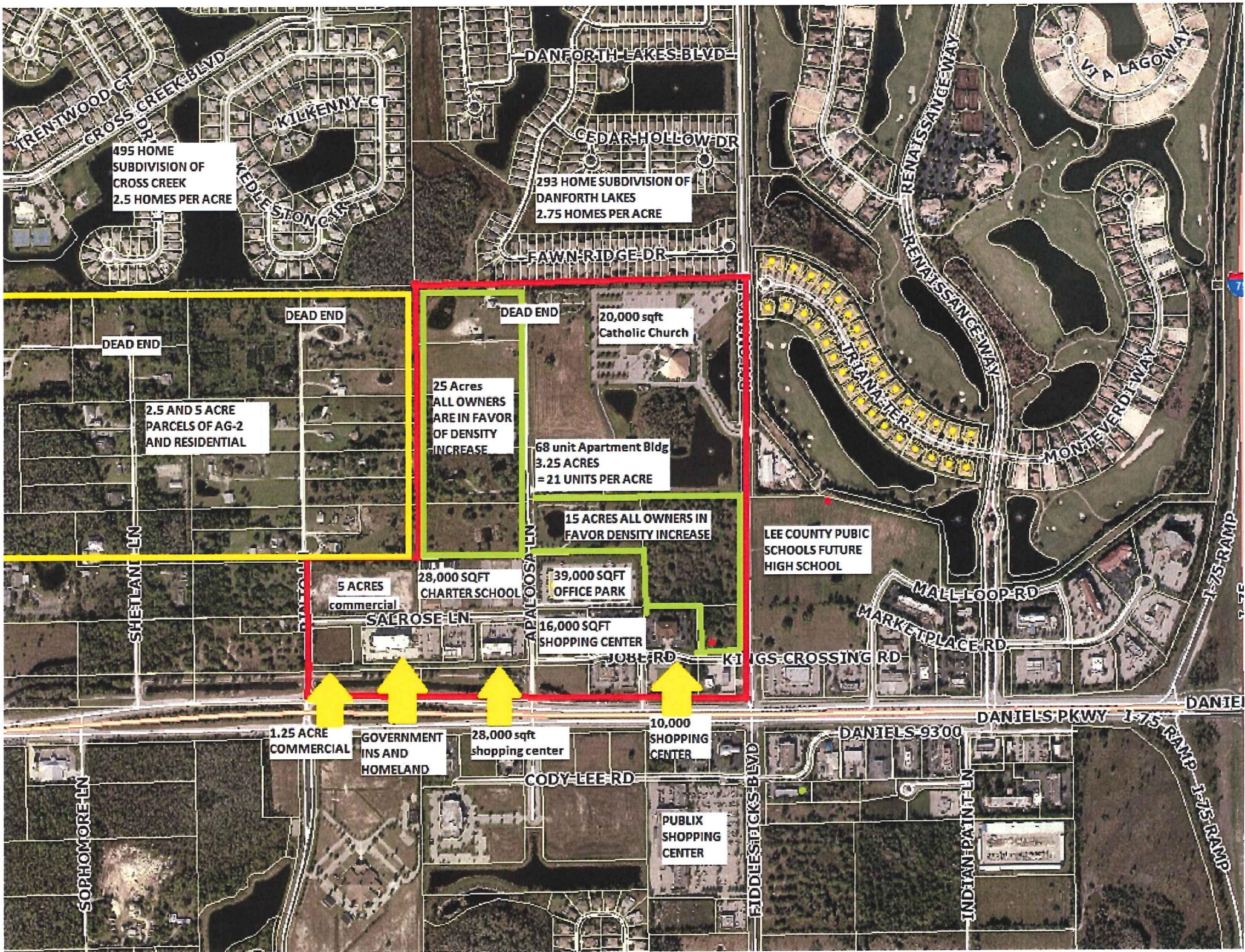
BUS STOP

SIDE WALK

WATER

SEWER





TRENTWOOD CT
CROSS CREEK BLVD
KILKENNY CT
495 HOME SUBDIVISION OF CROSS CREEK
2.5 HOMES PER ACRE
KEDLESTONE CT

DANFORTH LAKES BLVD
CEDAR HOLLOW DR
293 HOME SUBDIVISION OF DANFORTH LAKES
2.75 HOMES PER ACRE
FAWN RIDGE DR

DEAD END
DEAD END
DEAD END
2.5 AND 5 ACRE PARCELS OF AG-2 AND RESIDENTIAL
SHEFLAN LN

DEAD END
20,000 sqft Catholic Church
25 Acres ALL OWNERS ARE IN FAVOR OF DENSITY INCREASE
68 unit Apartment Bldg
3.25 ACRES
= 21 UNITS PER ACRE
15 ACRES ALL OWNERS IN FAVOR DENSITY INCREASE
APALOSA LN

RENAISSANCE WAY
JIRANA DR
MONTVERDE WAY
LEE COUNTY PUBIC SCHOOLS FUTURE HIGH SCHOOL
MALL LOOP RD
MARKETPLACE RD
KINGS-CROSSING RD
DANIELS 9300
DANIEL'S PKWY I-75 RAMP I-75 RAMP

5 ACRES commercial
28,000 SQFT CHARTER SCHOOL
39,000 SQFT OFFICE PARK
16,000 SQFT SHOPPING CENTER
JOB RD

SOPHOMORE LN
1.25 ACRE COMMERCIAL
GOVERNMENT INS AND HOMELAND
28,000 sqft shopping center
10,000 SHOPPING CENTER
PUBLIX SHOPPING CENTER
CODY-LEE RD
EDDIE STECKS BLVD
INDIAN PAINT LN

**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, Nicholas Paulus (name), as Owner of real property located at 13300 Apaloosa Lane, Fort Myers, Florida 33912, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.


Signature

04/20/14
Date

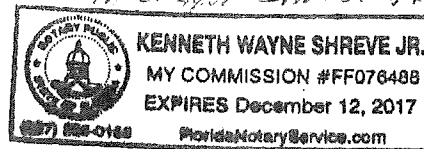
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 04/20/14 (date) by Nicholas Paulus (name of person providing oath or affirmation), who is personally known to me or who has produced License (type of identification) as identification.

STAMP/SEAL


Signature of Notary Public



**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, Charles A Navy (name), as Owner of real property located at 13000 Apaloosa Lane, Fort Myers, Florida 33912, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Charles A Navy
Signature

12/14/13
Date

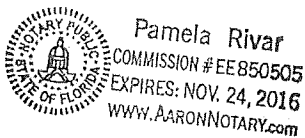
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Dec. 14, 2013 (date) by CHARLES A. NAVY (name of person providing oath or affirmation), who is personally known to me or who has produced N/A (type of identification) as identification.

STAMP/SEAL

Pamela Rivar
Signature of Notary Public



**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, Calvin C. Myers and Grace A. Meyers ^{CCM} ^{GAM} (name), as Owner of real property located at 13100 Apaloosa Lane, Fort Myers, Florida 33912, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Calvin C. Meyers 12/12/13
Grace A. Meyers 12/12/13
Signature Date

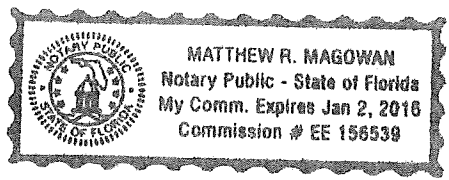
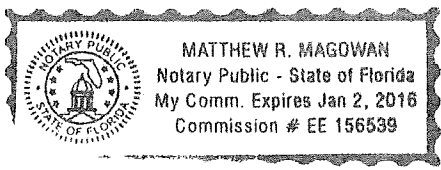
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 12/12/13 (date) by Calvin Meyers and Grace Meyers (name of person providing oath or affirmation), who is personally known to me or who has produced FL Drivers License (type of identification) as identification.

STAMP/SEAL

Matthew Magowan
Signature of Notary Public
Matthew Magowan



**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, Andrew R. Bensi, Managing Member of Appaloosa 10 Properties, LLC (name), as Owner of real property located at 13200 Apaloosa Lane and 13250 Apaloosa Lane, Fort Myers, Florida 33912, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Andrew R. Bensi
Signature

1/6/14
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF NEW YORK
COUNTY OF NASSAU

The foregoing instrument was sworn to (or affirmed) and subscribed before me on January 6th, 2014 (date) by Andrew R. Bensi (name of person providing oath or affirmation), who is personally known to me

STAMP/SEAL

[Signature]
Signature of Notary Public

DANIEL J. HERRERA
Notary Public, State of New York
No. 02HE6086478
Qualified in New York County
Commission Expires March 21, 2015

**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, DR. VOLODYMYR SMERYK (name), as Owner of real property located at 13060 Palomino Ln Fort Myers FL Fort Myers, Florida, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Volodymyr Smeryk
Signature

3-25-2014
Date

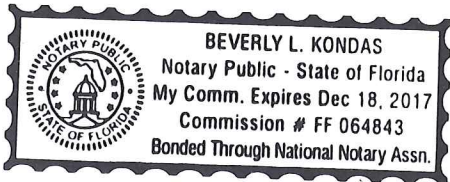
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 25th (date) by March, 2014 Volodymyr Smeryk (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

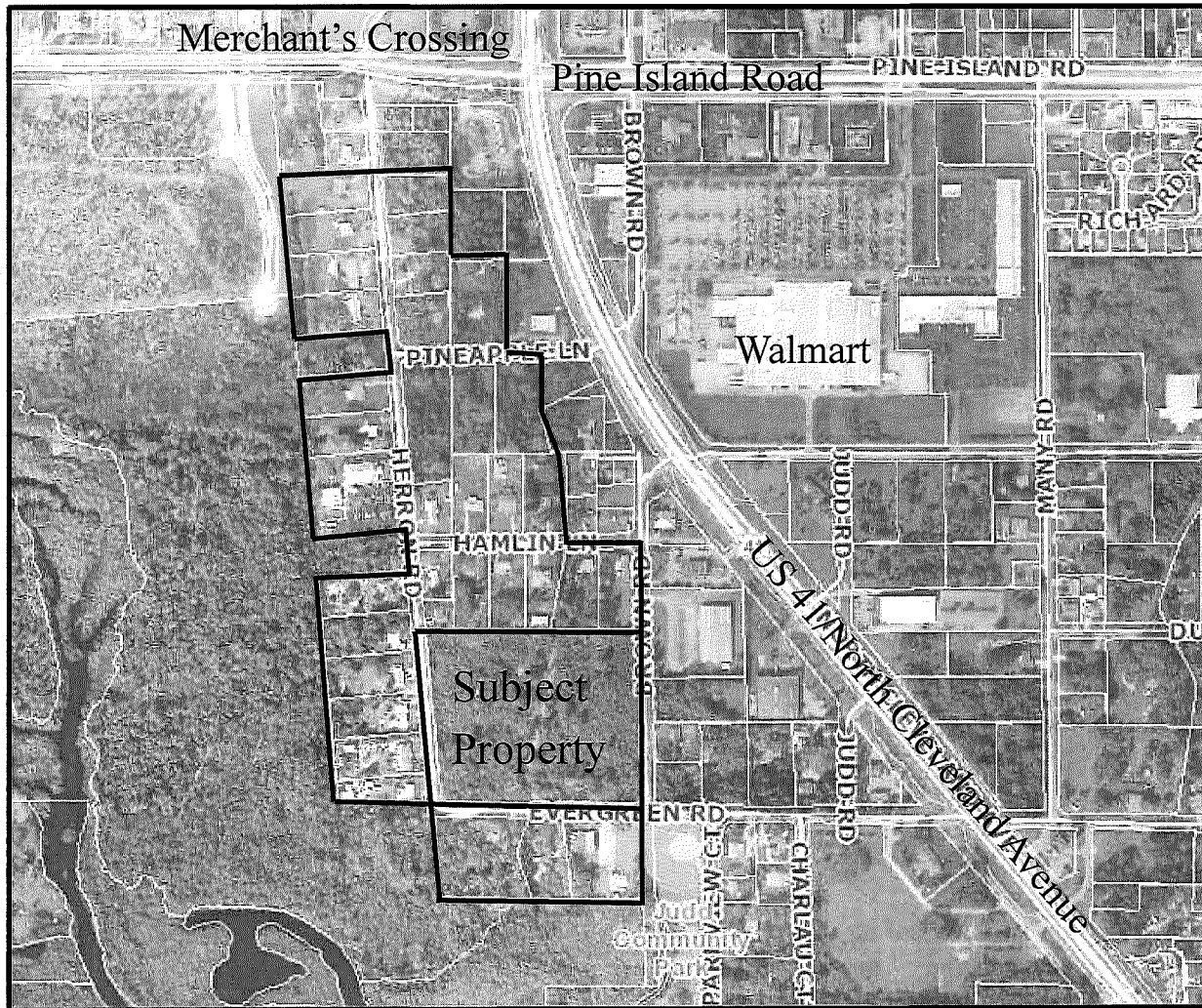
STAMP/SEAL

Beverly L. Kondas
Signature of Notary Public

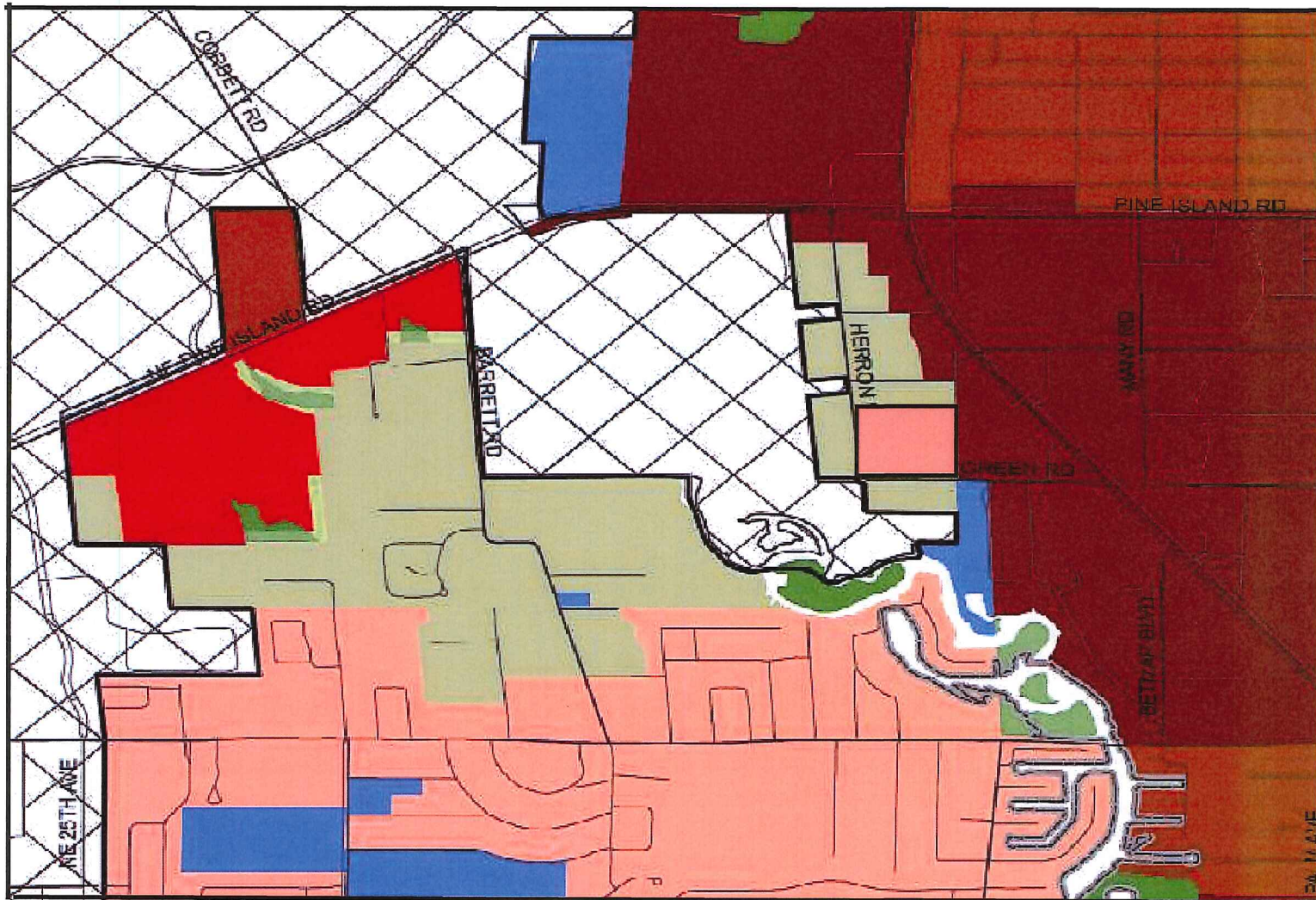








536 Evergreen Road, North Fort Myers, FL

Aerial Photograph



536 Evergreen Road, North Fort Myers, FL
 Alternative Lee County Future Land Use Map



- | | | | |
|---|--|---|---|
|  | Urban Core = 25 du/ac (40 with incentives) |  | Suburban 2 = 2 du/ac (no incentives) |
|  | Urban Places = 18 du/ac (25 with incentives) |  | Public Facilities |
|  | Suburban 6 = 6 du/ac (no incentives) |  | White Hatch (Cape Coral): MF = 16 du/ac |