



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

LEE COUNTY COMPREHENSIVE PLAN

and

ZONING HEARING AGENDA

Wednesday, March 16, 2016

9:30AM

CPA2015-00013

PINE ISLAND COMM PLAN UPDATE - ADOPTION

CPA2015-00012

HILL TIDE ESTATES - ADOPTION

REZ2015-00017  
**Z-16-003**

PROTECTED HARBOR

NOTICE  
OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold public hearings on Wednesday, March 16, 2016 in the Board Chambers at 2120 Main Street, Ft. Myers, FL. Beginning at 9:30 a.m., the Board will consider proposed amendments to the Lee County Comprehensive Plan (Lee Plan) and a zoning application for the following cases.

Lee County Comprehensive Plan Amendments

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

CPA2015-00013

PINE ISLAND COMM PLAN UPDATE

Amend the Lee Plan to incorporate updates to the Pine Island Community Plan. The amendments will include changes to the Future Land Use Element, the Transportation Element, the Conservation and Coastal Management Element, the Glossary and Tables 1(a), 2(a), and 2(b) of the Lee Plan.

CPA2015-00012

HILL TIDE ESTATES

The request is to amend the Lee Plan Future Land Use Map to redesignate the future land use category of approximately 9.98 acres located at the southeast corner of Gulf Boulevard and Belcher Road from "Public Facilities" to "Urban Community."

Zoning Case

REZ2015-00017

PROTECTED HARBOR

Rezone 0.34± acres from Agricultural (AG-2) to Residential Single-Family (RS-1).

Located at 5461 Briarcliff Rd., South Fort Myers Planning Community, Lee County, FL.

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

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

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

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

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

**CPA2015-00012**  
**HILL TIDE ESTATES**

# Summary Sheet

## Hill Tide Estates, CPA2015-12

**Request:**

Amend the Lee Plan Future Land Use Map to redesignate the future land use category of approximately 9.98 acres located at the southeast corner of Gulf Boulevard and Belcher Road from “Public Facilities” to “Urban Community.”

**LPA Motion:**

A motion was made that the LPA recommend the BOCC *adopt* the proposed amendment. The motion was called and passed 6-0.

NOEL ANDRESS	<u>AYE</u>
JOHN CASSANI	<u>AYE</u>
DENNIS CHURCH	<u>AYE</u>
JIM GREEN	<u>AYE</u>
STAN STOUDE	<u>AYE</u>
GARY TASMAN	<u>AYE</u>
VACANT	<u>          </u>

**Staff Recommendation:**

Staff recommends that the proposed amendment be *adopted* by the BOCC.

**Public Concerns:**

One public comment opposing the proposed amendment was received by staff in letter form on January 21, 2016. Concerns identified were related to density of the proposed planned development.

**Back-up Materials:**

Please note, back-up materials are available at the following link:

<http://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2015-00012 OR CPA2015-12>



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**COMPREHENSIVE PLAN  
AMENDMENT**

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**CPA2015-12  
HILL TIDE ESTATES  
SMALL SCALE AMENDMENT**

**Privately Sponsored Amendment**

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**Staff Report for BOCC Adoption Hearing**

**3/16/2016**

**LEE COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING SECTION**

**STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2015-12**

Text Amendment

Map Amendment

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

STAFF REPORT PUBLICATION DATE: March 2, 2016

**PART I  
APPLICATION SUMMARY**

**A. PROJECT NAME:** Hill Tide Estates

**B. APPLICANT/REPRESENTATIVES:**

Boca Pass Partners, LLC, represented by Alexis Crespo of Waldrop Engineering, P.A.

**C. AMENDMENT REQUESTS:**

Amend Lee Plan Map 1, Page 1, the Future Land Use Map, to change the future land use category for a 9.98 acre property from Public Facilities to Urban Community.

**D. STAFF RECOMMENDATION:**

Staff recommends that the Board of County Commissioners **adopt** the proposed amendments as identified in Attachment 1.

## **PART II PROJECT SUMMARY**

### **SUBJECT PROPERTY**

The subject property consists of one parcel located in the southern portion of Gasparilla Island at the southeast corner of Gulf Boulevard and Belcher Road. The property is approximately 9.98 acres and is currently vacant with Port zoning. A concurrent rezoning case (DCI2015-30) has also been submitted and will be further discussed in Part III of this staff report.

### **SURROUNDING PROPERTIES**

To the north of the subject property, across Belcher Road, are residential uses including single-family detached, two-family attached, and multi-family residences. Adjacent to the south and west of the property are the Gasparilla Island State Park lands, and to the east of the property is Charlotte Harbor.

The subject property is within the Public Facilities future land use category, while the properties to the north are within the Urban Community future land use category and the properties to the south and west are within the Conservation Lands Upland future land use category.

### **CURRENT FUTURE LAND USE CATEGORY**

The subject property is currently located in the Public Facilities future land use category as depicted on Lee Plan Map 1, the Future Land Use Map. It has been designated Public Facilities since 1996, when a county-initiated amendment re-designated the property from Urban Community to Public Facilities, in an effort to more accurately designate the County's public resources. The subject property was owned by Florida Power & Light (FP&L) at that time. The Public Facilities category is defined by Lee Plan Policy 1.1.8. Rather than supporting a wide variety of uses, this category is limited to uses determined by the public entity owning the parcel. The subject property is under contract to be sold to a private entity, therefore, the Public Facilities future land use category would no longer be appropriate. Policy 1.1.8 is reproduced below:

**POLICY 1.1.8:** The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, public transportation, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. (Amended by Ordinance No. 10- 10)

### **WATER-DEPENDENT OVERLAY**

As depicted on Lee Plan Map 12, Water-Dependent Overlay Zones, the subject property is within the Water-Dependent Overlay. Policy 1.7.5 defines the Water-Dependent Overlay as those shoreline areas where priority will be granted to water-dependent land uses such as marinas or boat ramps. This Overlay is intended to prevent the conversion of uses, which require access to the water, to non-water-dependent uses. The subject property will remain in the Water-Dependant Overlay.



Development of property within the Water-Dependent Overlay is discussed in Objective 128.1 and 128.4 of the Conservation and Coastal Management Element. Consistency of the proposed amendments with Policy 1.7.5 and Objectives 128.1 and 128.4 is discussed in Part III of this staff report.

### **PROPOSED FUTURE LAND USE CATEGORY**

The proposed amendment will designate the subject property Urban Community. Under Objective 1.1, the Urban Community future land use category is described in Lee Plan Policy 1.1.4 as follows:

**POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program. (Amended by Ordinance No. 94-30, 02-02, 09-06, 10-10, 10-33)

The Urban Community future land use category permits a variety of uses with residential, commercial, public and quasi-public, and limited light industry uses being predominant. However it should be noted that the Gasparilla Island Conservation District Act only allows for rezoning to single-family residential districts and Table 1(a) of the Lee Plan limits density on the island in the Urban Community future land use category to 3 units per acre.

## **PART III STAFF ANALYSIS**

### **Consistency with the Lee Plan**

The applicant is requesting the Urban Community future land use category to accommodate a proposed RPD rezoning to allow single-family residential units. Although the Urban Community is typically reserved for more urban areas of Lee County, it is the most appropriate future land use category for the subject property for the following reasons:

1. It is the only future land use category that allows residential development identified on Table 1(b) for Boca Grande.
2. Density is limited to 3 dwelling units per acre, per Table 1(a) of the Lee Plan.
3. It is the predominate future land use category in Boca Grande.

### **Lee Plan Planning Communities Map and Table 1(b)**

The proposed amendment is consistent with the provisions of Lee Plan Table 1(b). The subject property is located within the “Boca Grande” planning community. Table 1(b) allocates a total of 485 acres for residential use in the Urban Community future land use category portion of the Boca Grande planning community. There are currently 396 acres of Urban Community existing in Boca Grande, leaving 89 acres available. The applicant is requesting residential development on approximately 9.98 acres; therefore, the request is consistent with Table 1(b). At the time of development order, the applicant will have to demonstrate consistency with Policy 1.7.6(2), which states:

2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by build out of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).

Lee Plan Goal 2 addresses growth management. Objective 2.1 seeks to create contiguous and compact growth patterns in order to preclude sprawl and reduce additional demands on infrastructure. Objective 2.2 intends to direct growth to areas that already possess sufficient infrastructure to support additional development. The applicant has provided letters of availability and a detailed explanation of the public services available to support future development of the property at the maximum allowable density. By developing a residential project in this location, the proposed amendment is consistent with these objectives. Policy 2.8 requires additional requirements for development in coastal areas and will be discussed through the Boca Grande Planning Community’s Conservation and Coastal Management section below.

### **Boca Grande Planning Community**

Lee Plan Goal 22 addresses planning for the Boca Grande Planning Community. Objective 22.1 aims to preserve the traditional character, scale, and tranquility of the

community and promotes enforcement of the Gasparilla Island Conservation District Act. The applicant is aware of the 3 dwelling unit per acre maximum policy, per Table 1 (a) of the Lee Plan, and is requesting a maximum of 20 single-family residences, through the concurrent rezoning case, to adhere to this requirement.

Policy 22.1.5 requires the applicant to hold a public informational meeting in Boca Grande for residents to take notice of any rezoning, variance, or special exception requests. The applicant held a meeting on November 16, 2015 as required for their concurrent rezoning request and discussed this plan amendment application as well. Questions were raised by the community about aesthetics, traffic, and lot specific details, but no objections were raised for the land use change.

Policy 22.1.7 discourages new residential dwelling construction of “mega houses” or “mansionization.” The applicant is aware of the regulations put in place to prevent this pattern of dwelling construction and will adhere to them throughout the rezoning and development review process.

Objective 22.4 aims to preserve, protect, and enhance the physical integrity, character, ecological values, and natural beauty of Boca Grande through conservation and coastal management regulations. The applicant will follow all regulations and will work with County staff throughout the rezoning process to prevent any degradation to the subject property or community.

### **Water-Dependent Overlay**

As previously stated, the property is within the Water-Dependent Overlay. Policy 1.7.5 defines the Water-Dependent Overlay as those shoreline areas where priority will be granted to water-dependent land uses. Lee Plan Objective 128.1 and Policy 128.4.2 identify specific requirements of the Water-Dependent Overlay that are intended to prevent the conversion of water-dependent uses by other forms of development.

In addition to water-dependent uses, the proposed future land use category would allow non-water-dependent uses. Policy 128.1.1 of the Lee Plan is to prevent the conversion of water-dependent overlay areas to non-water-dependent uses without a public hearing. Approval of non-water-dependent uses will require a public hearing through rezoning. The property is currently vacant, and does not contain any water-dependent uses. The proposed future land use category is not inconsistent with this Lee Plan policy.

### **Residential Land Uses**

Policy 5.1.2 prohibits residential development where physical hazards exist, or require the density and design to be adjusted accordingly.

Policy 5.1.5 requires protection of current and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. As mentioned previously, the surrounding land uses include residential and park lands. Amending the Future Land Use Map to designate the

property Urban Community will limit the possibility of potential uses that could negatively impact the surrounding development and is consistent with Policy 5.1.5 due to the specific requirements of the Boca Grande Community and the Gasparilla Island Conservation District Act.

Policies 105.1.2, 105.1.4, and 105.1.5 encourage low or reduced density on islands or within the Coastal High Hazard Area. The maximum density of 3 dwelling units per acre in the Urban Community land use category is at the low end of the density range allowed in the Urban Community category, that has a standard density range of 1-6 dwelling units per acre. The applicant will discuss a site design that will address the danger of storm events during the rezoning process. This site design will be reviewed by Staff to ensure that it adequately addresses projected storm hazards.

Policy 109.1.5 of the Lee plan provides mitigation measures that must be considered when increasing density within the Coastal High Hazard Area as follows:

Policy 109.1.5 requires plan amendments that increase density within coastal high hazard areas to meet one of the following criteria:

1. The proposed amendment will not exceed a 16 hour out of county hurricane evacuation time for a category 5 storm event; or
2. Maintain a 12 hour evacuation time to shelter for a Category 5 storm event and ensure shelter space is available to accommodate the additional residents of the development allowed by the proposed comprehensive plan amendment; or
3. Provide appropriate mitigation to satisfy the provisions of either of the previous two paragraphs, which may include without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities. The developer must enter into a binding agreement to memorialize the mitigation plan prior to adoption of the plan amendment.

The proposed density will comply with the evacuation timing thresholds set forth in subsections 1 and 2. In order to substantiate that statement and provide the relevant data/analysis, the applicant has provided an analysis explaining the calculation based upon recent evacuation studies prepared for Charlotte County and more specifically, the Cape Haze peninsula.

### **Coastal Barrier Resources Area**

The applicant is aware that the subject property includes the Fish and Wildlife Commissioner's Coastal Barrier Resources Area (CBRA) along the southern perimeter of the parcel. The applicant will continue to investigate the matter and understands that development in the CBRA causes the structure to be ineligible for Federal assistance of any kind, including National Flood Insurance Program (NFIP) flood insurance and any kind of Federal Emergency Management Agency (FEMA) assistance.

### **Coastal Construction Line**

The applicant is also aware that the southwest corner of the subject property is located within the Coastal Construction Line. Future development will be designed to be consistent with this policy and will be reviewed for consistency at time of zoning and development order. Due to the history of uses on the subject property, a Site Rehabilitation Completion Order from the Florida Department of Environmental Protection dated December 2002 has been included in the plan amendment application. This Completion Order requires no further rehabilitation of the site.

### **Transportation/Traffic Circulation Impacts**

In a memo dated January 5, 2016, Lee County DOT staff states:

*We have reviewed the above application which requests the land use designation of approximately 9.98 acres be changed from Public Facilities to Urban Community. The existing FLUM designation of land uses, only marina/Port Terminal or other public facilities could be built in the subject area. The proposed land uses designation would allow 29 residential dwelling units to be built in the subject area. The level of service (LOS) analysis of short range (5 years) provided by the applicant indicates all the study area roadway segments (3 miles radius) are anticipated to operate at or better than the adopted LOS standard in year 2020. The year 2035 long range transportation LOS analysis indicates no roadway segments within the study area are expected to have LOS issues in the year 2035 with the proposed the project. This project will access on Belcher Road which is a local road maintained by County.*

### **Natural Resources**

The Division of Natural Resources reviewed the proposed amendment and provided that there are no water resource issues with the proposed amendment.

### **Environmental Review**

Lee County Environmental staff reviewed the proposal and stated:

*The site has been previously impacted by FP&L for storage and transfer of fuel. The site has been remediated since FP&L has ceased using the parcel for public facilities. Currently, the site is vacant land with a remaining stormwater berm from the past use. The site contains gopher tortoises and the applicant will need to address the off-site relocation for consistency with Objective 107.8 during rezoning request. As the project continues through the zoning and design process, the environmental requirements will continue to be evaluated for the proposed residential project. Staff will continue to work with the applicant to designate adequate buffering, open space and protection of listed species regulations to meet the LDC and Lee Plan. The proposed amendment to change the future land use category from Public Facilities to Urban Community, is not inconsistent with any environmental Goals, Objective and Policies of the Lee Plan.*

**Transit**

The subject property is located outside of LeeTran's fixed-route and Americans with Disabilities Act (ADA) service areas. There are no other transit agencies operating in Boca Grande.

**Police**

In a letter dated October 14, 2015, Sheriff's Office personnel state that the proposed amendment does not affect the ability of the Office to provide core services at this time.

**Fire and Emergency Medical Services (EMS)**

Fire service will be provided by the Boca Grande Fire Control District. A letter from the district dated November 2, 2015 states that, at this time, the District has no concerns with the proposed amendment and is capable of providing services.

Emergency Medical Service is provided by the Lee County Emergency Medical Service. A letter dated October 13, 2015 states that the service availability for the proposed amendment of this property is adequate at this time.

**School Impacts**

Charlotte County School District and Lee County School District have an agreement that Charlotte will provide transportation and educational programs for public school age students residing in Boca Grande. In a letter dated December 14, 2015, Charlotte County School District staff states that there is sufficient capacity for elementary, middle school, and high school seats and the proposed amendment will not have an impact on the School District's proposed level of service.

**Solid Waste**

In a letter dated October 14, 2015, Solid Waste staff states that the division is capable of providing service to the subject site. Solid waste generated at the site will be disposed of at the Charlotte County Landfill. Lee County has an Interlocal Agreement with Charlotte County to recycle and/or dispose of waste from Gasparilla Island.

**Utilities**

In a letter dated October 16, 2015, Gasparilla Island Water Association (GIWA) staff states that there is currently sufficient capacity to provide potable water and sanitary sewer service to the subject site. Potable water service will be provided through the Linwood Road Water Treatment Plant. Sewer service will be provided by the GIWA Wastewater Treatment Plant.

## PART IV FINDINGS OF FACT AND RECOMMENDATION

### Findings of Fact:

- The applicant submitted an application to amend the Future Land Use Map on November 3, 2015.
- The subject property was designated in the Urban Community future land use category from the adoption of the Lee Plan in 1984 until 1996.
- The subject property was designated to the Public Facilities future land use category in 1996 when a county initiated Lee Plan amendment proposed to re-designate the property in an effort to more accurately designate the County's public resources.
- The Urban Community future land use category is compatible with the subject property's location.
- The Urban Community future land use category is the only future land use category that allows residential development identified on Table 1(b) for Boca Grande.
- The Urban Community future land use category is the predominate future land use category on Boca Grande.
- Density of the subject property is limited to 3 dwelling units per acre, per Table 1(a) of the Lee Plan.
- The subject property has access to Belcher Road, a local road.
- The local transportation network is projected to function at or better than the adopted LOS standard in year 2020. No roadway segments within the study area are expected to have LOS issues in the year 2035.
- The subject property is 9.98 acres, which is considered a small scale amendment by Florida Statutes.

### Recommendation:

Staff recommends that the Board of County Commissioners **adopt** the proposed amendment as identified in Attachment 1.

**PART V  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: January 25, 2016

**A. LOCAL PLANNING AGENCY REVIEW:**

Staff gave a brief presentation regarding the proposed amendment. This was followed by presentations from the applicant's representatives, which addressed transportation, site history, environmental impacts, and consistency with the Lee Plan. No members of the public were present but one letter received by staff, dated January 21, 2015, was read and included as public comment.

LPA members asked various questions relating to water access, relocation of tortoises, environmental remediation of the site, traffic impacts, and hurricane evacuation plans. All questions were answered by the applicant and/or county staff.

**A motion was made to recommend that the Board of County Commissioners adopt the amendment. The motion was passed by a 6 to 0 vote.**

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

**1. RECOMMENDATION:**

The LPA recommended that the Board of County Commissioners **adopt** the proposed amendment.

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

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

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>AYE</u>
<b>JOHN CASSANI</b>	<u>AYE</u>
<b>DENNIS CHURCH</b>	<u>AYE</u>
<b>JIM GREEN</b>	<u>AYE</u>
<b>STAN STOUWER</b>	<u>AYE</u>
<b>GARY TASMAN</b>	<u>AYE</u>
<b>VACANT</b>	<u>          </u>

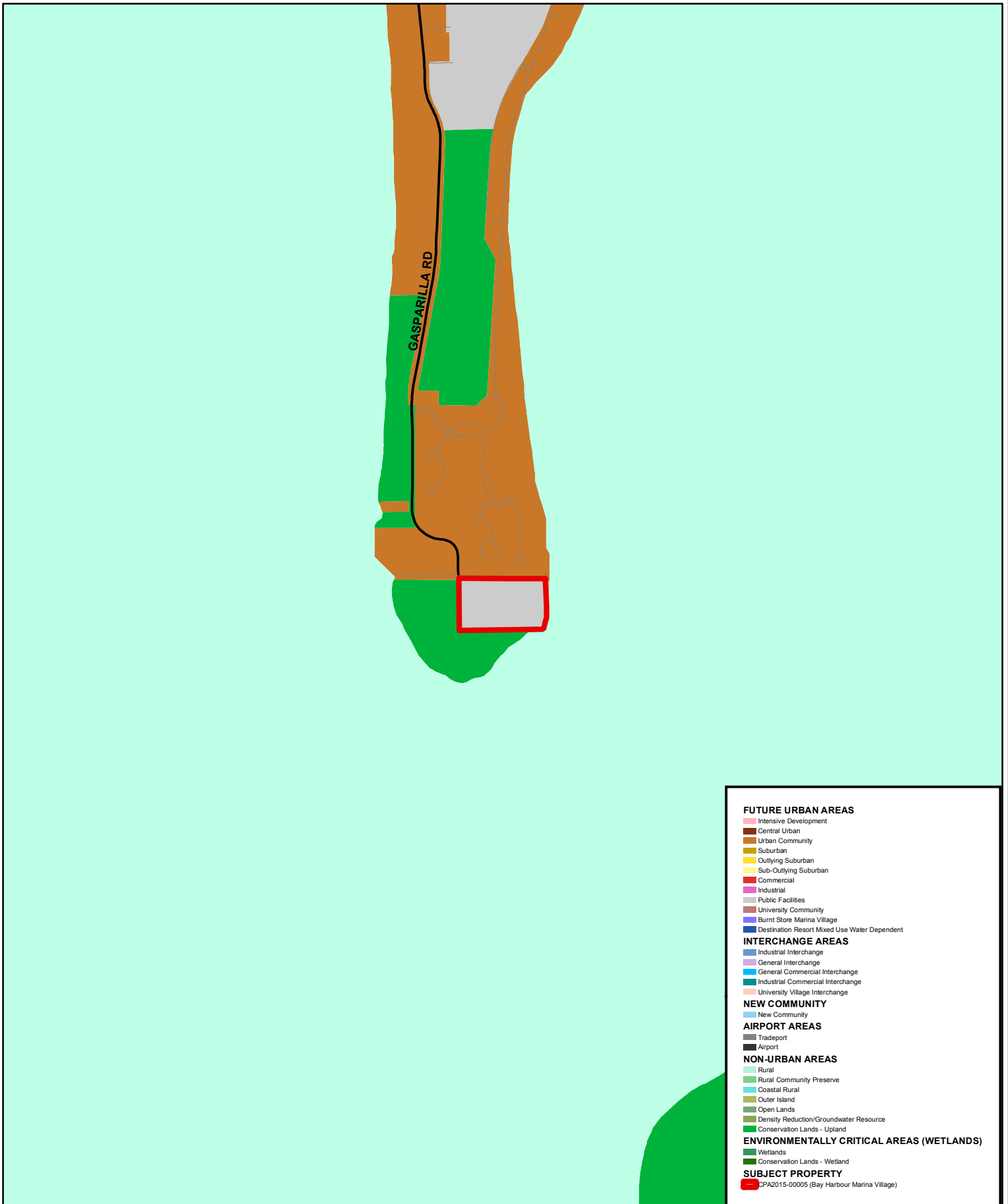


**PART VI  
BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: March 16, 2016

- A. BOARD REVIEW**
- B. BOARD ACTION AND FINDINGS OF FACT SUMMARY**
  - 1. BOARD ACTION:**
  - 2. BASIS AND RECOMMENDED FINDINGS OF FACT:**
- C. VOTE:**

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



**FUTURE URBAN AREAS**

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

**INTERCHANGE AREAS**

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

**NEW COMMUNITY**

- New Community

**AIRPORT AREAS**

- Tradeport
- Airport

**NON-URBAN AREAS**

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

**ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**

- Wetlands
- Conservation Lands - Wetland

**SUBJECT PROPERTY**

- CPA2015-00005 (Bay Harbour Marina Village)

LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

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Miles

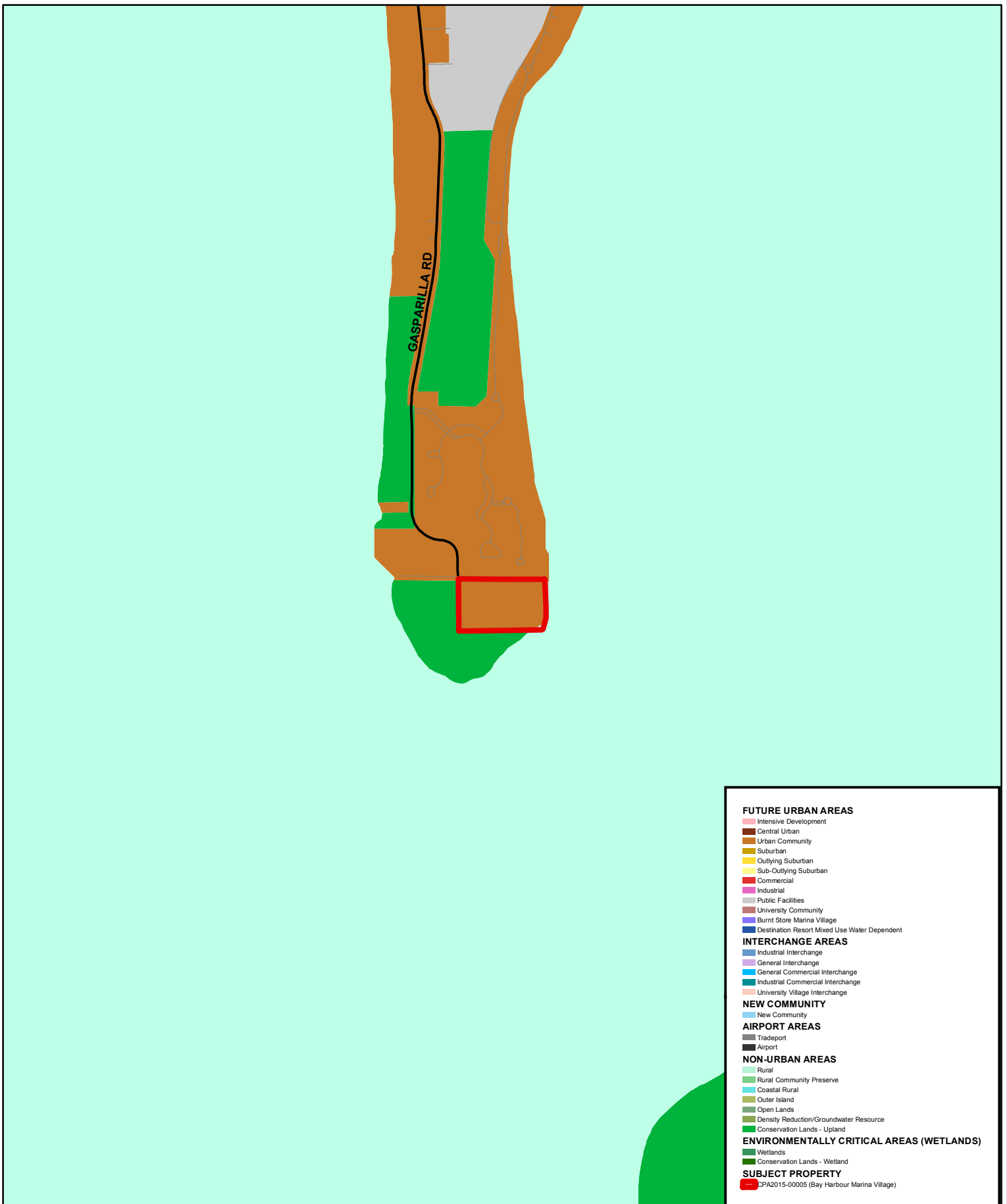
Map Generated February 2016



**CPA2015-00012 - Hill Tide Estates**

**EXISTING LEE PLAN**

**FUTURE LAND USE MAP**



**FUTURE URBAN AREAS**

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

**INTERCHANGE AREAS**

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

**NEW COMMUNITY**

- New Community

**AIRPORT AREAS**

- Tradeport
- Airport

**NON-URBAN AREAS**

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

**ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**

- Wetlands
- Conservation Lands - Wetland

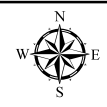
**SUBJECT PROPERTY**

- CPA2015-00005 (Bay Harbour Marina Village)

LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

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Miles

Map Generated February 2016



**CPA2015-00012 - Hill Tide Estates**

**PROPOSED LEE PLAN**

**FUTURE LAND USE MAP**

# STAFF COMMENTS

**Miller, Janet**

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**From:** Sweigert, Rebecca  
**Sent:** Wednesday, January 13, 2016 8:52 AM  
**To:** Fewell, Marissa  
**Subject:** Hill Tide Estates CPA2015-00012

Hi Marissa, below is the environmental analysis for Hill Tide Estates CPA2015-00012

The site has been previously impacted by FPL for storage and transfer of fuel. The site has been remediated since FPL has ceased using the parcel for public facilities. Currently, the site is vacant land with a remaining stormwater berm from the past use. The site contains gopher tortoises and the applicant will need to address the off-site relocation for consistency with Objective 107.8 during rezoning request. As the project continues through the zoning and design process, the environmental requirements will continued to be evaluated for the proposed residential project. Staff will continue to work with the applicant to designate adequate buffering, open space and protection of listed species regulations to meet the LDC and Lee Plan. The proposed amendment to change the future land use category from Public Facilities to Urban Community, is not inconsistent with any environmental Goals, Objective and Policies of the Lee Plan.

Thanks,  
Becky

Becky Sweigert  
Principal Environmental Planner  
Lee County DCD/Planning Section  
PO Box 398  
Fort Myers, FL 33902-0398  
[rsweigert@leegov.com](mailto:rsweigert@leegov.com)

239-533-8552  
239-485-8344 (fax)

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

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

# Memo

To: Marissa Fewell, Planner  
Planning Division

From: Lili Wu  
Sr. Transportation Planner

Date: Jan. 5, 2016

**Subject: Hill Tide Estates (CPA2015-00012)**

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We have reviewed the above application which requests the land use designation of approximately 9.98 acres be changed from Public Facilities to Urban Community. The existing FLUM designation of land uses, only marina/Port Terminal or other public facilities could be built in the subject area. The proposed land uses designation would allow 29 residential dwelling units to be built in the subject area. The level of service (LOS) analysis of short range (5 years) provided by the applicant indicates all the study area roadway segments (3 miles radius) are anticipated to operate at or better than the adopted LOS standard in year 2020. The year 2035 long range transportation LOS analysis indicates no roadway segments within the study area are expected to have LOS issues in the year 2035 with the proposed the project. This project will access on Belcher Road which is a local road maintained by County.

cc: File

## Miller, Janet

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**From:** Karuna-Muni, Anura  
**Sent:** Monday, January 11, 2016 4:12 PM  
**To:** Fewell, Marissa  
**Cc:** Boutelle, Stephen  
**Subject:** RE: CPA2015-00012 Hill Tide Estates - Small Scale Amendment

Marissa,

No comments for water resources. Steve Boutelle had the following comment:

We completed and provided the manatee plan review on 12/23 and have no further comments.

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**From:** Fewell, Marissa  
**Sent:** Monday, January 11, 2016 8:05 AM  
**To:** Karuna-Muni, Anura  
**Subject:** RE: CPA2015-00012 Hill Tide Estates - Small Scale Amendment  
**Importance:** High

Hello Anura-

Can you please provide your substantive comments about this plan amendment application at your earliest convenience? It would be great if you can send them by close of business this Thursday.

Please let me know if you have any questions.

Thank you,

**Marissa Fewell**  
Planner  
Lee County Community Development - Planning  
1500 Monroe Street  
Fort Myers, Florida 33901  
Email: [mfewell@leegov.com](mailto:mfewell@leegov.com)  
Phone: 239-533-8313

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**From:** Fewell, Marissa  
**Sent:** Monday, November 16, 2015 8:36 AM  
**To:** Miller, Janet; Lee Plan Review Distribution List  
**Cc:** [bocafire302@comcast.net](mailto:bocafire302@comcast.net)  
**Subject:** RE: CPA2015-00012 Hill Tide Estates - Small Scale Amendment

Good Morning-

This email serves as a reminder to provide any sufficiency comments to me by this Friday, November 20<sup>th</sup>.

Thank you,

**Marissa Fewell**  
Planner

Lee County Community Development - Planning  
1500 Monroe Street  
Fort Myers, Florida 33901  
Email: [mfewell@leegov.com](mailto:mfewell@leegov.com)  
Phone: 239-533-8313

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**From:** Miller, Janet  
**Sent:** Friday, November 06, 2015 9:36 AM  
**To:** Lee Plan Review Distribution List  
**Cc:** [bocafire302@comcast.net](mailto:bocafire302@comcast.net)  
**Subject:** CPA2015-00012 Hill Tide Estates - Small Scale Amendment

Good Morning:

Lee County Planning staff has received a privately sponsored amendment to the Lee Plan. Below is a link to the 2015 Regular Amendment Cycle page on the Department of Community Development's website. This page will allow you to access the application for this privately initiated amendment (CPA2015-00012 Hill Tide Estates – Small Scale Amendment).

<http://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2015-00012>

At this time, please provide sufficiency comments to Marissa Fewell by Friday, November 20th.

Thanks!

Janet Miller  
Administrative Assistant  
DCD Administration  
[jmiller@leegov.com](mailto:jmiller@leegov.com)  
(239) 533-8583 PHONE  
Old Fax: (239) 485-8319/ New Fax: (239) 485-8344

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## Miller, Janet

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**From:** Schweers, Molly  
**Sent:** Tuesday, December 15, 2015 3:42 PM  
**To:** Fewell, Marissa  
**Cc:** Miller, Janet  
**Subject:** FW: CPA2015-00012 Hill Tide Estates

Marissa,  
No further comments from Solid Waste.  
Thank you,

Molly Schweers, Solid Waste Coordinator  
Lee County Solid Waste Division  
[MSchweers@leegov.com](mailto:MSchweers@leegov.com)  
(239) 533 -8000 direct 533-8932  
Website: [www.leegov.com/solidwaste](http://www.leegov.com/solidwaste)

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**From:** Miller, Janet  
**Sent:** Tuesday, December 15, 2015 2:52 PM  
**To:** Lee Plan Review Distribution List; [bocafire302@comcast.net](mailto:bocafire302@comcast.net)  
**Subject:** CPA2015-00012 Hill Tide Estates

Good Afternoon:

If you had previous sufficiency comments, please review the resubmittal materials submitted on December 14, 2015 for Hill Tide Estates (CPA2015-00012) and advise Lee County Planning staff if the materials provided are sufficient for review or if additional materials are needed for a complete review.

Please provide this review to Marissa Fewell by **Monday, January 4, 2016**.

Below is a link to this particular plan amendment web page so that you can view the resubmittal materials.

<http://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2015-00012> OR CPA2015-12

Janet Miller  
Administrative Assistant  
DCD Administration  
[jmiller@leegov.com](mailto:jmiller@leegov.com)  
(239) 533-8583 PHONE  
Old Fax: (239) 485-8319/ New Fax: (239) 485-8344

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