

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8567

Bob Janes
District One

October 11, 2006

Douglas R. St. Cerny
District Two

Mr. Kimball Woodbury
South Star Development Partners, Inc.
255 Alhambra Circle, Suite 325
Coral Gables, FL 33134

Ray Judah
District Three

Tammy Hall
District Four

RE: CPA2006-01, The Fountains
Resubmittal

John E. Albion
District Five

Donald D. Stilwell
County Manager

Dear Kim:

David M. Owen
County Attorney

The Planning Division has reviewed The Fountains (CPA2006-00001) and the application was found insufficient for review. Please respond to the specified questions/comments and provide the requested data and analysis.

Diana M. Parker
County Hearing Examiner

The following applies to Part II of the application:

A.

Provide copies to the maps and the proposed changes requested for each map.

B.2.d

Is the Private Recreational Facilities Overlay being moved to the south to cover the proposed golf course or being removed entirely?

The following applies to Part III of the application:

Exhibit 1.

The Southwest Florida International Airport boundaries are not accurately represented in this exhibit.

Comments were also provided by the Port Authority for this section of the application. Port Authority comments are included at the end of this letter.

The following applies to Part IV of the application:

A.2

No Future Land Use Map was provided as was requested by this question.

A.4.

The Southwest Florida International Airport's zoning designation of AOPD is not listed in this response, this needs to be included. Define the term "AH" listed as a zoning category.

Additional comments were made by the Port Authority concerning this section of the application. Port Authority comments are included at the end of this letter.

A.6

Letters of Authorization needs to refer to the property in question. "please see attached" does not indicate a property. "Exhibit A" is referenced in each Authorization Letter, but Exhibit A is not provided. A method of identifying which parcel of property the Authorization Letter represents needs to be included.

A.6

Provide a list of members or property owners of the property involved in the proposed plan amendment. Nathan Benson of Sandler at Vero Beach, LLC are designating Henderson, Franklin, Starnes, & Holt, PS as legal representatives. Which property do they own?

B.1

Lee County Department of Transportation has addressed several issues.

- 1) The hotel/motel occupancy for TAZ 1757 is 1:1 (350 rooms and 350 occupants) which is very low. The ratio of hotel/motel units to occupants of 1:2.4 should be used for the Lee Model.
- 2) The peak hour directional generalized service volumes in Table 5 and Table 6 are not consistent with the Lee County Generalized Service Volume Tables.
- 3) The roadway segments in Table 5 and Table 6 are disorderly. For example, Buckingham Road does not have a segment from Treeline Ave. to SR 82.
- 4) I-75, Ben Hill Griffin Pkwy., Daniels Pkwy., Colonial Blvd., and SR 82 shall be included in Table 5 and Table 6 for analysis.
- 5) Does the data in traffic volume column in Table 5 and Table 6 represent the volume of AADT or the volume directly from the FSUTMS (peak season daily)?
- 6) The K-100 and D-factors in Table 5 and Table 6 shall be based on the factors of the nearest appropriate permanent count station.
- 7) The DRI Question 21 references and Tables shall be renumbered to correspond to this Lee Plan Amendment Application.

A copy of the memo from the LCDOT is included at the end of the letter.

Comments were also provided by the Port Authority for this section of the application. Port Authority comments are included at the end of this letter.

B.2.a-b

Both potable water and sanitary sewer show a 200 bed hospital. This does not appear in other sections of the Comprehensive Plan Amendment. Please explain.

B.3.a-d.

The DRI Questions 17, 18, 19, and 26 shall be renumbered to correspond to this Lee Plan Amendment Application. It does not appear that any of the analysis requested in the application was done. Analysis should include, but is not limited to:

- Impacts to the franchise area, district, or basin that the property is located in.
- Current LOS and LOS standard of facilities serving the site.
- Protected 2020 LOS under existing and proposed designation.
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements.
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (are any revisions listed in this amendment?).

Additional comments have been provided by the Division of Natural Resources, they are included at the end of the letter.

C.4

A map delineating wetland areas, aquifer recharge areas, and/or rare and unique uplands needs to be provided as part of this application. This map will be different from the Florida Land Use Cover and Classification System map.

Additional comments may be generated by the Natural Resources Division as work with the applicant is currently on-going.

D.2

A map showing the subject property location on the archeological sensitivity map for Lee County shall be provided. DRI question 15 shall be renumbered to correspond to this Lee Plan Application.

E.1.

Analysis needs to address Table1(b) specifically.

The approximate build-out for The Fountains of 7,299 appears to estimate a population of less than 2 persons per dwelling unit. Define your methodology in determining a build-out population.

The Lee County population period should not read 2006-2001.

E.2

The response to Policy 1.5.1, located in Application Section IV(E) Supplemental Documents (Page 2 of 22) states, "No residential development is proposed with in the Fountains DRI." This response may require some additional information.

E.3.

No analysis was done on the impacts this comprehensive plan amendment could have on surrounding municipal governments. Discussion should not center on impacts to Lee County.

F.1.b-c

Please provide methodologies used to determine how you derived 1,875 new industrial jobs to the area. No analysis was done determining how this comprehensive plan amendment will impact the Lee Plan's goal of ensuring 3% of Lee County's population will be employed in manufacturing activities.

F.3.

According to Policy 2.4.2 a formal finding that no significant impacts on present or future water resources will result from the change needs to be made by the Board of County Commissioners. Please make a determination concerning the progress the applicant has made toward a presentation to the Board of County Commissioners.

G.

The application refers to Section II, Supplemental Documents. This section does not appear to be a part of the application.

In addition to the comments made above, referencing specific sections of the Comprehensive Plan Amendment application, there are several discrepancies that have been noted in the application dealing with issues discussed with the applicant's representative. These items are to be addressed as well.

General Comments

- 1) Still responding to the DRI application questions. All numbering sequences shall correspond to the Comprehensive Plan Amendment Application.
- 2) Add definitions to key terms that are being introduced to the Lee Plan.
- 3) Why is "Tradeport" Land Use designation not being used for the Industrial Area as was suggested by staff.
- 4) Analysis for Public Services appears to have been pulled from the DRI Application. Has this data been updated since the original DRI submittal? In many cases a hospital is still listed as a use.
- 5) Maps representing areas of development are still showing the hotel site in an area that was to remain open space to ensure adequate flow-ways between wetland areas and pathways for protected species in the northern and southern part of the property.
- 6) Provide a description of the restoration / maintenance efforts that will be provided concerning the preserve lands located in the southern end of the property.
- 7) Provide a description of the steps that The Fountains will take to assure adverse impacts will not be created and the mitigation of any existing adverse impacts to the preserve areas and the natural flow-ways and pathways, for protected species feeding the preserve areas.

- 8) Provide a better definition for the density to be utilized in this development. Throughout the application it is stated the applicant is pursuing a range of 4 to 22 dwelling units per gross acre.
- 9) A list of property owners within 500 feet of the proposed map amendment property site needs to be provided to the Planning Division. A notice will be sent out with the applicant responsible for the cost. These are requirements set through Administrative Code 13-7.

Also attached/enclosed, please find comments received from the request to determine sufficiency for review. All comments, as they were submitted, are represented below; however, you will note some are included within the insufficiency comments responding to specific questions listed above.

Comments from the Division of Natural Resources:

Roland Ottolini, Anura J. Karuna-Muni

E-mailed 8/15/06

- Basin boundaries need to be confirmed w/ appropriate analysis for flood impacts and base flows to receiving waterbodies. Coordinate w/ SFWMD and ECWCDs efforts in Lehigh Acres and any other regional restoration efforts
- Pre-development conditions should also include pre-disturbance or natural conditions analysis
- Develop water budget analysis for post, pre and natural conditions scenarios
- Run a continuous simulation model (ex MIKESHE) for each scenario
- Restore natural system water budget including volume of run-off. Increasing volume of run-off has been shown to be detrimental to receiving waters.
- Base flows must be maintained or restored to receiving waters
- Groundwater resources are important to natural systems besides public water supply development and must be considered accordingly
- Blending of water sources and creating potentially more saline runoff can have adverse impacts to natural communities
- Water use must also consider future demands by Lehigh Acres on same resource(s)- either individual wells or future wellfield expansions
- 2 feet of drawdown is expected for the water table yet further discussion describes substantial recharge through irrigation practices will overcome these impacts. This appears to conflict with later discussions that the site is not a high recharge area and therefore incorrectly designated DRGR.
- Community should incorporate Audobon golf course standards and Low Impact Development (LIDs) concepts
- Omit proposed addition/reference of Town Center District into Policy 16.1.1
- Flow-ways must be restored with adequate conveyance at road crossings
- Submit a surface water and groundwater monitoring plan. Model plan is available from the Division of Natural Resources
- Water quality data submitted should be compared to state standards
- DRGR analysis submitted does indicate transmissivity values in the 100,000 to 200,000 gpd/ft range on site and likely of agriculture areas scheduled for intense development. The lower values elsewhere are likely indicative of the wetland systems on site to be preserved. Averaging these different areas to justify a low recharge rate is not appropriate.
- Discussion describes the stormwater lake system will enhance recharge but elsewhere states volume of runoff will increase. Please confirm these conditions w/ appropriate modeling efforts. Also discusses mitigating sheet flow conditions which should be desirable for a flat wetland system.
- Using Table 1 Projected Net Recharge by Land Cover is an average figure used in the model. Actual conditions for urban and agricultural uses are more site specific and should include pumping effects and supplemental supplies from irrigation. Use of this table is an over generalization.

- Page 31/36, item #3, the applicant states that The Fountains property does not meet criteria for designation as a DRGR area, because rainfall does not infiltrate well enough to effectively recharge on-site aquifers. This statement shall be substantiated with on-site data. The Division of Natural Resources maintains a real time groundwater monitoring station immediately north of The Fountains property. This monitoring station shows that the surficial aquifer being recharged within hours of a rainfall event.

Additional Comments from the Division of Natural Resources were provided:

Lee Werst

E-mailed 8/7/06

I was given a copy of the above application; While in review I could not find the answers to some issues that need to be addressed before a somewhat reasonable level of comfort can be reached.

- 1) Where are the Water Use Permits from the South Florida Water Management District?
- 2) Please supply us with a copy of the ModFlow Model contours and datasets that were discussed on page 34 of Section IV (F)- Additional Requirements for Specific Future Land Use Amendments.
- 3) The application discussed the use of the Water Table, Sandstone, Lower Hawthorn Aquifers as sources of water to be used for irrigation. Please have them supply us with the estimated amounts from each source and have them break down what source will be for commercial, golf course, residential and any other use associated with this project.
- 4) I am a bit unsure if this project is expecting to receive their Irrigation supply water for the residents from our utilities or they will be acquiring a consumptive use permit.
- 5) The project has referenced the use of the Lower Hawthorn as an irrigation supply; how do they propose to use it, blend it with the Water Table aquifer or use it directly from the source. Either way we need to know a chloride level of the aquifer and if they choose to blend it they need to provide us with a mass balance calculation showing the end result.
- 6) There is already a high demand on the Sandstone Aquifer in the area of this project. We need to know how they will mitigate any addition damage to surrounding wells resulting from the added stress caused by this proposed project.
- 7) How is this project going to off set the two foot drawdown as proposed by using the Water Table Aquifer? This will result in a severe drawdown to the onsite wetlands.

In response to RPC Comprehensive Plan Amendment comment # 7 (included within the DRI RAI #1 document), the Applicant states, "The Applicant does not anticipate future residents to be impacted by on-going flight operations because all residential units are planned outside the 60-DNL lines. The day-to-day operation will be no different for The Fountains residents than say the existing neighboring Gateway and Lehigh Acres residents."

Comments from the Port Authority (Southwest Florida International Airport) were provided:

William Horner, AICP

E-mailed 9/18/06

The statement is not correct. In fact, few if any of the noise complaints currently received by the Port Authority are from residents living in areas exposed to 55-DNL or greater noise contours because, due to past efforts by the Port Authority and the County, there are very few persons currently living in such noise impacted areas. Nearly all recent complaints come from residents exposed to less than 55-DNL. None of Gateway or Lehigh Acres is currently exposed to 55 DNL or greater noise and only very small areas of the county outside The Fountains are anticipated to experience even as much as 55-DNL noise levels in 2020. DNL is an annualized average daily noise metric used by the FAA to measure noise across the country for Federal Aviation Regulations Part 150 Noise Compatibility Studies. Single-event aircraft noise can and will be significantly louder on occasion. Please note that, unlike Gateway, major portions of The Fountains are found directly under confined runway approach and departure flight tracks and there will be growing numbers of low-flying aircraft over this development.

Additional comments from the Port Authority (Southwest Florida International Airport) were provided:

William Horner, AICP

E-mailed 8/18/06

Application Section IV (A) General Information/Maps:

- Page 11 of 36 – Gateway Elementary School west of the Fountains, not east;
- Page 11 of 36 – The Interim Noise Overlay Zones cover portions of The Fountains site.
- Page 11 of 36 -- The Southwest Florida International Airport (SWFIA) shares the southwest border and a portion of the south border of "The Fountains" and is zoned Airport Operations Planned Development (AOPD) – not AG-2 or AH as shown on "Exhibit 4 Zoning Map."

Section 4 (B) Public Facilities Impacts/Traffic:

- Traffic Table 4 and similarly in Table 5 – Why are Daniels Parkway and Immokalee Road (SR82) are not listed?
- Traffic Table 4 and similarly in Table 5 – Chamberlin Parkway links are incorrectly shown and the "with" and "without" traffic volumes are incorrect;
- Tables 4 and 5 – The name Treeline Avenue changes to Ben Hill Griffin Parkway at the Terminal Access Road intersection south to Alico Road;

Application Section III Supplemental Documents:

- Exhibit 1 "Location Map" and Exhibit 4 "Zoning Map" do not show the Airport boundaries correctly

Application Section IV (B) Supplemental Documents:

- Exhibit 6 Airport boundaries are incorrect;
- Table 21-A-1 and Table 21-A-5 misspell Chamberlin Parkway, have the wrong lane calls, and reflect 2005 traffic before the new terminal opened to the south on September 9, 2005. With the opening of the new terminal most of the Chamberlin Parkway traffic was relocated onto the new Terminal Access Road.

Should additional comments come in regarding sufficiency questions, they will be submitted to you in as timely a manner as possible.

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

Sincerely,



H. Wayne Gaither
Planner
(239) 479-8567
wgaither@leegov.com

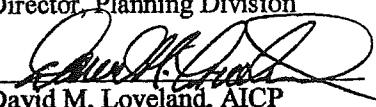
HWG

Enclosures
Memo, LCDOT

Matt Noble, Principal Planner
Ron Manley, Canin Associates, Inc.
Brenda Yates, Yates & Company
File

Memo

To: Paul O'Connor
Director, Planning Division

From: 
David M. Loveland, AICP
Manager, Transportation Planning

Date: August 23, 2006

Subject: CPA2006-00001 (The Fountains)

We have reviewed the above application and found it is insufficient for review because of the following comments:

1. The hotel/motel occupancy for TAZ 1757 is 1:1 (350 rooms and 350 occupants) which is very low. The ratio of hotel/motel units to occupants 1:2.4 in the Lee County model.
2. The peak hour directional generalized service volumes in Table 5 and Table 6 are not consistent with the Lee County Generalized Service Volume Tables.
3. The roadway segments in Table 5 and Table 6 are disorderly. For example, Buckingham Rd. does not have a segment from Treeline Ave. to SR 82.
4. I-75, Ben Hill Griffin Pkwy., Daniels Pkwy., Colonial Blvd. and SR 82 shall be included in Table 5 and Table 6 for analysis.
5. Does the data in traffic volume column in Table 5 and Table 6 represent the volume of AADT or the volume directly from the FSUTMS (peak season daily)?
6. The K-100 and D-factors in Table 5 and Table 6 shall be based on the factors of the nearest appropriate permanent count station.
7. The DRI Question 21 references and Tables shall be renumbered to correspond to this Lee Plan Amendment Application.

DL/kb