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Wayne Gaither
Lee County DCD
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RECEIVED
FEB 14 2006

COMMUNITY DEVELOPMENT

February 14, 2006

Re: Case No. CPA2006 – 00001, The Fountains Comprehensive Plan Amendment (CPA)

Dear Mr. Gaither,

The Conservancy of Southwest Florida has a number of concerns regarding this proposed amendment to the Lee County Comprehensive Plan (Lee Plan) and Future Land Use Map (FLUM,) based on its inconsistency with the current Lee Plan. We offer the following comments and suggestions to address our concerns.

The Fountains FLUM Amendment

Transference of over 2,000 acres of wetlands and Density Reduction/Groundwater Resource (DR/GR) to the newly proposed land use is of concern due to the precedent it would set. DRGR and wetlands, both Non-Urban Area land uses, are designed with low density and resource protection in mind. This new land use, proposed as Town Center District (TCD), infers the intention to place this land use into the Future Urban Areas Land Use category. Such a change would represent a significant increase in future urban area on the land use map, outside of the Future Water and Sewer Service areas (Lee Plan Maps 6 & 7.)

In addition to representing a significant increase in residential density adjacent to one of the largest platted communities in Southwest Florida, this proposed FLUM amendment is **inconsistent with the current Lee Plan.**

Policy 2.4.3 of the Lee Plan Future Land Use Element states:

Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category.

Not only is this property predominantly in the DR/GR, but it contains jurisdictional wetlands and is located in primary Florida panther habitat, as identified by the Florida Wildlife Conservation

Commission and Lee County.¹ Though plans for the Fountains project have shown development clustered towards the northern portion of the property, this CPA is not tied to that concept plan and would provide an unbridled density increase to an already congested area with no certainty as to the future of the parcel, should this project fail once the CPA has been passed. A traditional rezone would require reliance upon a Master Concept Plan (MCP) and would provide assurances that the intent of the project was at least comparable to the result. In addition to concerns regarding the blanket increase in density, the connectivity and magnitude of open space are important to recharge and habitat functionality. This proposal provides no guarantees as to the final condition of those components.

For these reasons, **the scope and location of the currently proposed FLUM amendment are inappropriate and more detail must be provided before a true analysis can be completed.** A more appropriate proposal would place this amendment over the current central urban land use and leave the densities and protections of the DR/GR and Wetland land uses intact.

The Fountains Text Amendment

The requested density increase itself, exclusive of its inconsistency with the Lee Plan due to location, is also concerning.

The Fountains parcel density unit breakdown

Land Use	Available Acreage (according to DRI application)	Lee Plan Allowable Density (bonus)	Fountains Units Allotted
Central Urban	156	5-10 du/ ac (15)	1,560
w/ bonus			2,340
Density Reduction/Groundwater Resource	1,849	1 du/ 10 ac	185
Wetlands	764	1 du/ 20 ac	38
Totals	2,769		1,783 du
w/ bonus			2,563

According to the Lee Plan, in the Central Urban land use “maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).”

The applicant’s basic assumption of 2,578 units includes all density bonus credits without discussion of how they will obtain those credits or justification for their allocation.. In addition, the units requested, even with the density bonuses included, still exceeds the densities allowed

¹ FWCC, “Lee and Collier Co. FWCC Panther Telemetry Data and Conservation Lands.” July 2002. and “Panther Strategic Habitat” Lee County Master Mitigation Plan, Map 9A.

by the Lee Plan, and makes no attempt to transfer the density from the environmentally sensitive DRGR and wetland land uses on the property to the more intensive central urban use.

The Lee Plan tends to guide bonus density by allowing up to a 50% increase bonus density or a doubling of units for use of the PD process.² This proposal not only doubles the allowable residential density but adds substantial commercial and industrial intensity. Further, the applicant's "Calculation of maximum allowable development units under the existing FLUM," Residential Units/Density = 2,355 DU's, does not correspond to either the Conservancy's or the applicant's review of the units allowed for this property elsewhere in the application.

Existing development units should be further evaluated and justification provided for this proposed increase, using Lee County's existing programs and approved methods.

The distribution of any additional units should also be considered. The additional units requested in this proposal may technically be spread over the entirety of the parcel since the CPA is not specific to the section assumed for development and does not specify as to the overall guiding density allowed in this new proposed land use classification. **Existing land uses within the Lee Plan specify both standard and bonus densities**, as well as the exceptions allowed and not allowed. The text portion of **this CPA does neither and would be inconsistent with the current Lee Plan.**

The Planned Development process, rezoned from the current land use, should still afford the applicant the ability to develop in the manner intended, while allowing proper public participation and increasing the certainty that this development will conform to the standards of the Current Lee Plan. For this reason, given the current proposal, **the Fountains development should be required to resubmit a more complete and detailed application, consistent with the current Lee Plan or to rezone to a Planned Development, from the Current Land Use Map and Comprehensive Plan.**

Should you have any questions regarding our comments and concerns, please feel free to call Alissa Bierma at 239-275-0330.

Sincerely,


Nicole Ryan
Governmental Relations Manager

² The Lee Plan allows Outlying suburban, developed in a planned development manner may increase from 1 du/ac to 2 du/ac and open lands increase from 1 du/10 ac to 1 du/ 5 ac