# THIS MEETING WAS CANCELLED.

# APPLICANT ASKED FOR A CONTINUANCE.



# LOCAL PLANNING AGENCY OLD LEE COUNTY COURTHOUSE 2120 MAIN STREET, FORT MYERS, FL 33901 BOARD CHAMBERS MONDAY, OCTOBER 27, 2014 8:30 AM

#### **AGENDA**

- 1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
- 2. Public Forum
- Approval of Minutes September 22, 2014
- 4. Lee Plan Amendments:
  - A. CPA2014-00002 Hideaway Cove

Amend the underlying Future Land Use designation for the 32-acre subject property from Sub-Outlying Suburban to Outlying Suburban. Remove Policy 1.1.11 (1.a and b.)

- Other Business
- 6. Adjournment Next Meeting Date: Monday, November 24, 2014

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 Local Planning Agency meeting should contact Janet Miller, 1500 Monroe Street, Fort Myers, FL 33901 (239-533-8583 or <a href="mailto:imiller@leegov.com">imiller@leegov.com</a>). To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711.

The agenda can be accessed at the following link approximately 7 days prior to the meeting: <a href="http://www.leegov.com/dcd/calendar">http://www.leegov.com/dcd/calendar</a>

Direct Links to plan amendment pages:

CPA2014-00002

#### MINUTES REPORT LOCAL PLANNING AGENCY SEPTEMBER 22, 2014

**MEMBERS PRESENT:** 

Noel Andress (Chair)

Jim Ink

Dennis Church

Rick Joyce (Vice Chair)

Jim Green

David Mulicka Gary Tasman

STAFF PRESENT:

Brandon Dunn, Planning

Janet Miller, Recording Secretary

Andy Getch, DOT

Paul O'Connor, Planning Director

Michael Jacob, Asst. Cty. Atty.

Becky Sweigert, Environmental Sciences

Howard Wegis, Utilities

#### Agenda Item 1 - Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Mr. Andress, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

Mr. Michael Jacob, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

Mr. Andress welcomed Mr. Gary Tasman, newest LPA member, to the Committee. Per the Chair's request, Mr. Tasman gave some background information on himself.

#### Agenda Item 2 - Public Forum - None

#### Agenda Item 3 - Approval of Minutes - August 25, 2014

Mr. Ink referred to the middle of Page 3 of 13 and wanted his sentence to read, "Mr. Ink thanked staff and the consultant for incorporating comments made by the a previous reviewing board." He also referred to the 10<sup>th</sup> paragraph on Page 11 of 13 and wanted his sentence to read, "... For instance, what does the County consider to be extensive storage and hull work?

Mr. Ink made a motion to approve the August 25, 2014 meeting minutes with the above corrections, seconded by Mr. Joyce. The motion was called and passed 6-0. Mr. Church was absent for this vote.

#### Agenda Item 4 – Lee Plan Amendments

#### A. CPA2011-00015 Glossary

Ms. Jenkins-Owen gave a brief overview of this amendment.

Mr. Ink referred to Page 10 under "Farmworker" that says, "Has a meaning given in Chapter 420 Florida Statutes." He suggested including verbiage that gives some direction. Otherwise, the user will have to look up the Florida Statute to find the information.

Local Planning Agency September 22, 2014

Page 1 of 8

Mr. Ink referred to Page 11 and questioned why Floor Area Ratio (FAR) is still included as a definition.

Ms. Jenkins-Owen stated staff considered removing it but decided to keep it in the document because there were a few communities that still refer to FARs. It was kept in the document in order for those communities to understand what it means.

Mr. Ink referred to Page 13 and noted that next to Infiltration it says (see also "percolation"). However, on Page 18, the term and definition for "Percolation" is in strike-through.

Ms. Jenkins-Owen stated staff would correct this error by removing (see also "percolation") under Infiltration on Page 13. She further explained that the reason for removing the term "Percolation" is because it is a commonly used term that most people would either know or would be able to look it up in a standard dictionary.

Mr. Church asked if this Glossary amendment had been reviewed by other committees such as the Horizon Council.

Ms. Jenkins-Owen stated this Glossary is being updated based on the new plan and involves removing some of the old terms. It has not been vetted through the Horizon Council or other committees.

Mr. Church referred to the definition for Affordable Housing on Page 5 that says, "A household that spends 30% or less of its gross income on housing."

Ms. Jenkins-Owen stated the verbiage is based on Florida Statute.

Mr. Church described instances where someone might pay cash for a house yet it would not be 30% of their gross income. However, by this logic, their home could be described as affordable housing.

Ms. Jenkins-Owen stated this term in the Lee Plan is for people who are qualifying for certain grants. Those who have wealth would not be needing aid from the government.

Mr. Church still felt it should be re-worded because if there is a conflict or a comp plan argument in the future, they are going to be evaluating what the Lee Plan actually says.

Mr. Andress felt this definition should also include some type of parameter on gross income. From serving on the Affordable Housing Committee, he is aware that there are parameters set for those guidelines. It seemed to him that there should be some mention of them in the text.

Ms. Jenkins-Owen stated some of those parameters are outlined further in the document where there are definitions for "low," "very low," and "moderate" incomes.

Mr. Church referred to Page 7 and asked why "Capacity, Road" was being removed.

Mr. Getch stated there were duplicate definitions in the Lee Plan. This term is being removed because there is another term called "Road Capacity" on Page 20.

Mr. Church referred to the definition of "Constrained Roads" on Page 9 and asked if it was a state definition.

Local Planning Agency September 22, 2014 Mr. Getch confirmed it was based on Florida Statute.

Mr. Church referred to "Development Agreement" on page 9 and asked if this only addressed development agreements with the County or whether there were other development agreements with other agencies.

Ms. Jenkins-Owen stated this definition came from the Lee County Attorney's office. Since it is a term in the County's Lee Plan, it makes sense to be talking in terms of development agreements with the County.

Mr. Church referred to "Floor Area" on Page 11 and stated it was not clear to him if this meant total area of each story of a building or if staff is only looking at one floor of the building.

Ms. Jenkins-Owen stated this definition already exists in the plan.

Mr. Dunn clarified that it would be for each floor, not the floor print. It would be total floor area.

Mr. Tasman stated that in real estate the floor area is the ground floor area. It is only that area that is used to define the ratio of the building area to the total size of the land. Many times it is used in terms of open space requirements and things of that nature.

Ms. Jenkins-Owen stated that in planning terms people are encouraged to go higher because you have a lesser foot print and you can have more open space.

Mr. Church felt this was slightly ambiguous. He referred to "Future Urban Areas" on Page 12 and asked why it was in strike-through.

Ms. Jenkins-Owen stated it was being deleted because "Future Urban Areas" are now in the body of the plan. Therefore, it is adequately described within the plan itself.

Mr. Church referred to the term "Intensity" on Page 14 and did not understand why the County would delete it since it was a term we use.

Mr. Church referred to "Low Impact Development" on Page 15. He noted the last few words of the definition are "to the greatest extent practicable." He stated that with terms like this it becomes open to interpretation. He suggested leaving words out that are ambiguous to prevent future conflicts. An argument could be made as to what is meant by "practicable."

Mr. Joyce stated that low impact development is a much broader term than just defining surface water systems. It is supposed to involve looking at sites holistically not just hydrological related things. He hoped to add a definition for creative surface water management techniques.

Mr. Ink also felt this term should be expanded because it is heavily integrated with vegetation and plantings.

Ms. Jenkins-Owen stated that although she agreed with their statements staff is trying to narrow the concept in terms of it being used within the Lee Plan. When staff uses the term Low Impact Development, they are referring to stormwater type of development as part of the Lee Plan.

Mr. Church referred to "Mixed-Use Building" on Page 16. Instead of using "i.e.," he suggested using "e.g." Even though it is a subtle difference, he preferred saying "for example" instead of saying it is "exactly" those things.

Mr. Church referred to "Moderate Income Households" on Page 16 where it says, "... income of 120% or less of the median annual income..." He noted that elsewhere the County defines low income and very low income as 80% and 50%. Therefore, the range should be between 80% and 120%.

Ms. Jenkins-Owen stated staff would make that correction.

Mr. Church referred to "Multimodal Level of Service" on Page 16. He noted the grading is divided into six letter grade levels of A-F and asked if those are defined elsewhere.

Mr. Getch stated this definition came from the Florida Department of Transportation (FDOT) and they are defined in a publication called "The quality of level of service handbook" published by FDOT.

Mr. Church applauded staff for coming up with a definition for "Sustainability." He referred to the portion that says, "... without compromising the ability..." He felt the word "ability" should be clarified. Otherwise, others will be asking "the ability to do what?"

Mr. Church referred to "Transportation Demand Management" on Page 21 and stated he felt it was vague. He was not clear on what is meant by "A focus on people to reduce the number of personal vehicle trips."

Mr. Getch agreed the word "people" was probably the wrong term. It should be replaced with "methods" or something similar.

Mr. Church referred to the definition for "Wetlands" on Page 23 and questioned why there was so much detail and scientific dissertation.

Ms. Jenkins-Owen stated staff wanted to make it the same as what is in the Land Development Code. The County had two definitions. It was thought to be less confusing if there was just one definition that everyone agreed upon. She also noted that at the end of the definition staff refers to the Florida Administrative Code and the Florida Statutes rather than giving a specific citation. The reason for this is so that the definition will not be affected should the Florida Statutes or the Florida Administrative Code change.

Mr. Church recommended shortening it to one sentence so that it reads, "Areas defined through the methodology of the Florida Administrative Codes and the Florida Statutes."

Mr. Joyce stated this replicates language directly from the Florida Administrative Code. The problem with reducing the sentence by only referencing the Statute is that it brings us back to what Mr. Ink mentioned earlier with the definition for "Farmworker" on Page 10. If you only reference the Statute, then someone has to look it up to find the information.

Mr. Joyce was glad to see the term "Xeriscape" on Page 24 being removed. This term has been replaced with "Florida Friendly Landscaping." To him, it is a smart upgrade that represents the industry.

Mr. Joyce referred to "Green Infrastructure" on Page 12. As with "Low Impact Development," he felt "Green Infrastructure" was another term that has a much broader definition than what is listed in this document. This term focuses on surface water systems, which is part of green infrastructure, but there is much more associated with it. His preference was to have that term broadened. He suggested adding a definition for "Enhanced Water Systems" that could be referenced in the Lee Plan. It could include a list of things that could be used to enhance surface water systems. It would not need to be a finite list.

Mr. O'Connor referred to the term "Low Impact Development" and stated that it was an industry term that has taken a life of its own making it hard to expand the definition. In seminars and workshops held on this subject, it has strictly focused on techniques for surface water management. Therefore, he suggested possibly having two concepts.

Mr. Church agreed with staff stating that in seminars he has attended on this subject it has been about integrating the stormwater with vegetative systems and infiltration. It has become a technical approach.

Mr. O'Connor suggested staff add "(LID)" after the term showing that it focuses on that industry term.

Mr. Joyce stated he still hoped the County would ultimately do better with the 40% of land dedicated to surface water systems on development sites. The County should do better with that space to improve water quality through the Lee Plan and Land Development Code.

Mr. Joyce referred to the term "Agritourism Activity" on Page 5 and was glad to see it added because it is an industry that is growing across the country. He was also in favor of the County adding another term for "Urban Agriculture." Statements from previous meetings have been made to support it or at least not to exclude it.

Mr. Andress stated his concerns were not so much what was in the document but rather was not in the document such as a definition for Concurrency. He noted that the Pine Island Plan still has some aspects of concurrency in it.

Mr. O'Connor also acknowledged that we still have Concurrency as far as water and sewer and stormwater. Therefore, he did believe we would need a definition for those three items if nothing else.

Mr. Andress also felt we should include a definition for "overriding public necessity."

Mr. O'Connor stated staff was currently working on that definition and that it would be included in this Glossary. He reminded the LPA that staff's plan is to bring the entire plan back to them for one final review. It will be in a strike-through/underline version. At that time, staff will ask the LPA for one motion recommending transmittal of this re-write of the plan.

Mr. Andress opened this item for public comment. No public input was received.

Mr. Church made a motion to approve forwarding this amendment (CPA2011-00015 Glossary) to the Board of County Commissioners for transmittal subject to comments made today, the discretion of staff making those changes, and knowing that the LPA will see this one more time, seconded by Mr. Mulicka. The motion was called and passed 7-0.

#### B. CPA2011-00023 Miscellaneous Maps

Mr. Burris gave an overview of the map amendments.

Mr. Ink referred to the general Soils Map and noted we went from a map that talks about soils to a map that talks about land use.

Mr. Burris stated he was unable to reproduce these soils types on the map. He utilized other sources such as the United States Department of Agriculture and Natural Resources Conservation Service. There are too many categories to put on one map with enough colors that could be distinguished on the map. He noted we had more detailed information on our system.

Mr. Joyce stated this was not a Soils Map. Instead it was more of an Ecological Community Map. He suggested renaming it.

Mr. Ink was in favor of deleting the Soils map and installing a new map that would have some reference to soils.

Mr. O'Connor explained that the State Statute requires a generalized Soils Map. However, he agreed this was more of a land use map instead of a Soils Map. He stated staff would take these comments under advisement and bring back something else for the LPA to review.

Mr. Joyce stated that Mr. Burris had a valid point. There are approximately 40 soil types which would be difficult to place on one map. He recommended at least having two categories such as Wetland soils versus non-Wetland soils.

Mr. Tasman asked if the Soils Map could be a series of maps.

Mr. O'Connor stated the County has a detailed book of the different categories of soils. It is 200 pages long and has a lot of details making it difficult to get a generalized view. He stated that staff would come back with an alternate map that will meet the statutory requirements and be a Soils Map.

Mr. Green referred to the "Proposed" Coastal High Hazard Area Map stating that he found the "Existing" map discernible, but had difficulty with the "Proposed" map. He suggested staff try using a color version stating it is hard to understand both the River Tributary and Coastal High Hazard Area lines when looking into the east area. He noted the map showed the outline of the river and creeks out there, but it is not clear what would be blue if staff had this in color.

Mr. Burris stated staff had a colored map once before and could produce one again.

Mr. Church asked how much scrutiny went into the Coastal High Hazard Area map. He asked if it was a peer reviewed model.

Mr. O'Connor stated he believed a lot of scrutiny has gone into the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model. It is used by all the Regional Planning Councils around the state. To his knowledge, it has been peer reviewed and has been around for a long time. Although some recent changes have been made, this is a statutory defined area as the land seaward of the slosh model category 1 - Hurricane Storm Surge.

Mr. Ink stated a group of scientists put this model together.

Mr. Andress noticed this map had areas removed from it. The area is west of Veteran's Parkway and south of Pine Island Road.

Mr. O'Connor stated it was removed because of Veteran's Parkway, which now acts as a dam.

Mr. Green stated the existing Coastal High Hazard Area seems to stop at Franklin Locks. The Proposed map looks as if it goes beyond that.

Mr. O'Connor stated the old model had an artificial line drawn on it. The new model uses the LIDAR elevation information and goes beyond the boundaries of the old model.

Mr. Church referred to the Future Water and Sewer Map and noted that a few months ago, the LPA voted to add a service area to a case that he believed might have been called Corkscrew Estates.

Mr. O'Connor stated that had been added to the "Proposed" map.

Mr. Andress referred to that same map and noticed staff added the north end of Pine Island, which he was in favor of. However, in the past, there was a lot of opposition from residents on the Island. He believed they misunderstood what was being proposed. The residents were under the assumption that because the County was including that area to the service area map that the residents would be required to hook into the sewer line. He asked if this was something new.

Mr. O'Connor stated he did not believe this was new. If you compare the previous map to the proposed map, it shows the same area. He stated there was no change to the Pine Island area on the map.

Mr. Andress stated that if the north area of Pine Island has been added then it needs to be verified.

Mr. O'Connor noted there are standards in the plan as to your proximity to existing lines. If you are proximate to it, then there are requirements. If your property is farther than "x" distance, you are not required to connect to it. However, this does not stop you from connecting to it.

Mr. Andress stated that many years ago he had argued for a gravity system because there are a large number of people that want to tie into the sewer line but are unable to do it financially. There is a low pressure line on the Island that requires a lift station. The cost for the lift station ranges from \$50,000-\$60,000 making it unfeasible for a single family home to tie into that sewer line.

Mr. Burris reviewed the Future Sewer Service Area Maps 6 & 7 (existing and proposed) showing the areas being added.

Mr. Church referred to the isolated future sewer service area located on Six Miles Cypress Parkway. He asked if the area around that was serviced by the City of Fort Myers' system.

Mr. Howard Wegis, Lee County Utilities, stated that is an Emergency Operations Center. The County had facilities in that area even though it is located in the City of Fort Myers. Because it was a County facility, the County is servicing it.

Mr. Andress opened this item for public comment.

Local Planning Agency September 22, 2014 Mr. Ed Harrington from Royal Tee referred to a comment made earlier by Mr. Andress where he spoke of property west of Veteran's Parkway and south of Pine Island Road relating to the Coastal High Hazard area. He stated that most of the property referenced by Mr. Andress was Royal Tee. He noted that all of the water in Royal Tee exits under Veteran's Parkway into the flats. He asked if there was a practical impact to this change for Royal Tee residents if they go from a Coastal High Hazard area to a non-Coastal High Hazard area.

Mr. O'Connor explained that within the Lee Plan the Coastal High Hazard area is identified as an area that is preferred for reduced density. It is an area where, over time, the County has made an effort to reduce the density within the Coastal High Hazard area. It is not a prohibition against an increase, but the main function of the map is to foster reduction of densities within those areas because of hazard.

Mr. Joyce made a motion to recommend transmittal of CPA2011-00023 to the BOCC, seconded by Mr. Green. The motion was called and passed 7-0.

#### Agenda Item 5 – Other Business

Mr. Andress asked Mr. Getch if he had an update on the Complete Streets Land Development Code draft, which was mentioned at last month's meeting.

Mr. Getch stated Land Development Code staff is still working on the language for that in the Administrative Code. He did not have an update at this time.

Mr. Andress asked if other review agencies would see it before the LPA such as the Horizon Council.

Mr. O'Connor noted that the Horizon Council was not a normal reviewer for changes to the Land Development Code. It will be presented before the Executive Regulatory Oversight Committee, Land Development Code Advisory Committee, and the Local Planning Agency.

#### Agenda Item 6 - Adjournment

The next Local Planning Agency meeting is scheduled for Monday, October 27, 2014, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 9:20 a.m.

# CPA2014-02 HIDEAWAY COVE PRIVATELY SPONSORED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

# THE LEE PLAN

LPA Staff Report
For the
October 27<sup>nd</sup> 2014 Public Hearing

Lee County Planning Division 1500 Monroe Street P.O. Box 398 Fort Myers, FL 33902-0398 (239) 533-8585

October 17, 2014

# LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2014-02

1	Text Amendment		1	Map Amendment
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	This Document Contains the Following Reviews	
✓	Staff Review	
	Local Planning Agency Review and Recommendation	
	Board of County Commissioners Hearing for Transmittal	
	Staff Response to Review Agencies' Comments	
	Board of County Commissioners Hearing for Adoption	

STAFF REPORT PREPARATION DATE: October 17, 2014

#### PART I - BACKGROUND AND STAFF RECOMMENDATION

#### A. SUMMARY OF APPLICATION

- **1. APPLICANT/REPRESENTATIVES:** Taylor Morrison of Florida Inc. represented by Pavese Law and Waldrop Engineering.
- 2. REQUEST: Amend the future land use designation on a 32 acre parcel from Sub-Outlying Suburban to Outlying Suburban. Amend Lee Plan to remove Policy 1.1.11.1.a and b. Amend Lee Plan Table 1(b) 2030 Planning Community Allocations for the San Carlos Planning Community.

#### B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Staff recommends partial approval of the request:

Staff recommends that the Board **transmit** an amendment that deletes paragraphs 1, 1(a), and 1(b) of Policy 1.1.11.

Staff further recommends that the Board **not transmit** the requested amendment to the property's future land use designation or to Table 1(b).

The amendment, as recommended by staff follows shown in strikethrough and underline:

POLICY 1.1.11: The Sub-Outlying Suburban areas are residential areas that are predominantly low-density development. Generally the requisite infrastructure needed for higher density development is not planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.

1. For Lots 6—11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:

a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.

b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

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

• The applicant submitted an application to amend the Future Land Use Map, Policy 1.1.11, and Table 1(b) on February 21, 2014.

- The property has been subject to two previous privately sponsored Lee Plan amendment cases: PAM98-06, which was not adopted and CPA2002-02, which was adopted.
- In accordance with the adopted CPA 2002-02, the subject property is limited to one dwelling unit per acre unless adjacent parcels totaling 28 acres, that were also part of the amendment, are preserved.
- The subject property, including the adjacent 28 acres, is currently zoned RPD with approval for 64 residential units, subject to the 28 acres being preserved.
- There is a concurrent rezoning case (DCI2012-00056) on the property, not including the 28 acres, requesting an increase to 90 dwelling units.
- The subject parcel is in the Category 1 (Category A) Storm surge zone.
- The subject property has only one access point.
- The subject property is surrounded by low or very low density future land use categories: Rural to the north, Conservation Lands to the west, Rural and Wetlands to the east, and Sub-Outlying Suburban to the south.

#### C. BACKGROUND INFORMATION

#### 1. EXISTING CONDITIONS:

#### SIZE OF PROPERTY:

The subject property is approximately 32 acres

#### PROPERTY LOCATION:

The property is located to the west of the western end of Pine Road off U.S. 41 west of San Carlos Park abutting the eastern edge of the Estero Bay Preserve State Park.

#### **EXISTING USE OF LAND:**

The subject property is currently vacant.

#### **CURRENT ZONING:**

The subject property was rezoned from AG-2 to Residential Planned Development on November 21, 2005 as part of Resolution Z-05-041.

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

The subject property is currently depicted on the Lee County Future Land Use Map as Sub-Outlying Suburban.

# 3. SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATIONS:

Immediately to the north of this parcel are 9 vacant acres of a 31 acre parcel in the Shady Acres RV Park, with AG-2, MH-2, and RV-3 zoning. North of that parcel is a subdivided portion of Shady Acres with MH-1 zoning. These parcels are designated as Rural, Wetlands, and/or Urban Community. Immediately to the east of the subject parcel is a 10 acre vacant parcel that is part of a slough system that flows north into Mullock Creek. This parcel is designated with Rural and Wetlands future land uses. Also to the east is an

undeveloped parcel that was part of the land that was included in CPA 2002-02. Beyond this parcel to the east are several parcels zoned AG-2 and RS-3 including single family residences and St Mark Coptic Orthodox Church. Some are vacant, and others have low density residential uses. These parcels are designated Wetlands and Urban Community. There are two additional churches along Pine Road. The first is a Congregation of Jehovah's Witnesses on the north side of Pine Road. Further east on the south side of Pine Road is Crossway Baptist Church. All of the land on either side of Pine Road is designated Urban Community. To the south is an undeveloped parcel, part of the 28 acres that were part of the adopted CPA 2002-02. Further to the south and the immediately west of the subject property is the Estero Scrub Preserve, a conservation area and part of the state-owned Estero Aquatic Preserve State Park. It is in Conservation Upland and Conservation Wetland future land use categories.

#### PART II - STAFF ANALYSIS

#### A. STAFF DISCUSSION

The application is requesting three changes to the Lee Plan. The first part requests that the future land use category on the 32-acre subject property be redesignated from Sub-Outlying Suburban to Outlying Suburban. The second part of the proposed amendment requests to delete sub-paragraphs 1, 1a, and 1b of Lee Plan Policy 1.1.11. These paragraphs were specifically added to the Lee Plan as part of CPA 20002-02. The third change is a request to amend Table 1(b), the 2030 Allocation Table, to accommodate the requested Outlying Suburban. There is currently no Outlying Suburban in the San Carlos Planning Community.

#### COMPREHENSIVE PLAN BACKGROUND

This property, along with all of the lands lying east and south of Mullock Creek, was designated as Rural by the adoption of the 1984 comprehensive plan. Since that time the subject property, along with two adjacent properties, one to the east and the other to the south have been the subject of two privately initiated and one publicly initiated plan amendment. These three parcels, which were one parcel until after the property was rezoned from AG-2 to Residential Planned Development in November of 2005, have a shared history. The original property included the 32 acres that is the subject of this amendment and the two immediately adjacent parcels, which comprise an additional 29 acres, for a total of 60 acres.

The first privately initiated amendment was in 1998. The amendment was known as the Estero 60 Acre Land Trust and was given the identification PAM 1998-06. PAM represented Plan Amendment Map at the time. The request was to redesignate the then 60 acre property from Rural to Outlying Suburban with a maximum density of 2 dwelling units per acre. Staff originally recommended the amendment not be transmitted. The Board did however transmit the amendment to the then Department of Community Affairs for review and comment. The DCA objected to the amendment for a lack of supporting data and analysis addressing the sensitive nature of the site, its proximity to the Estero Scrub Preserve, transportation impacts to US 41 and the potential impacts to threatened and endangered species. Ultimately the Board voted unanimously not to adopt the amendment.

The second proposed privately initiated amendment was submitted in 2002 and identified as CPA 2002-02. The request was nearly identical to the previous request. The only difference between PAM98-06 and this proposed amendment was some additional proposed language that would require the subject property to connect to central sewer service and use clustering through the Planned Development process. Staff again recommended denial of the amendment. The Local Planning Agency also recommended the amendment not be adopted. In June of 2003 the Board, in a 3-2 vote, transmitted the amendment to the state for review. The DCA again offered objections to the amendment.

Just prior to the Transmittal Hearing the property was sold. The new owners had a fairly specific plan for development of the property. The plan adequately addressed the DCA objections. However, as this was a comprehensive plan amendment and not a Planned Development zoning case, it was very difficult to "condition" assurances that this plan of development will in fact actually occur. Staff worked closely with the new applicant and together proposed additional language that gave sufficient assurance. The site was broken into three basic areas. The developed area located in the northwest quadrant, the 32 acres subject to this amendment request. The slough preserve area is in the northeast quadrant and the third area, located in the southern portion of the property to be dedicated as a preserve. This portion abuts existing Aquatic Preserve Buffer property on three sides. This portion of the property was intended for sale to the State, the County, or another conservation entity. These refinements to the amendment resulted in the language currently contained in paragraphs 1, 1a, and 1b of Policy 1.1.11.

The 60 acre property was the subject of a Planned Development rezoning request that was approved by Resolution Z-05-041. This Residential planned Development follows the conditions established under the adopted comprehensive plan amendment. Subsequent to the rezoning the property was split into the 3 parcels, the subject property and the 2 adjacent 28 acre properties. At some point, the ownership of the properties was divided and the "preserve" areas are no longer controlled by the applicant.

In 2007 the same 60 acres was re-designated from Outlying Suburban to Sub-Outlying Suburban as part of a County-sponsored Lee Plan Amendment (CPA2005-40). The policy language for the subject parcel was then moved from the definition of Outlying Suburban (1.1.6) to the one for Sub-Outlying Suburban (1.1.11). Moving the subject property to the new future land use category had no change on the number of permitted units or the mitigation required since the site-specific language was retained under the new future land use category.

Also in 2007, a bankruptcy case occurred on the 28 acre parcel that was intended to be used as a conservation parcel to satisfy the requirements of Policy 1.1.11. The bankruptcy judge stated that the new owners of the 28 acre conservation parcel were not bound by the conservation agreement with the owners of the 32 acre development parcel.

#### IMPACTS ON DENSITY

Under Paragraph 1a of Policy 1.1.11 (Sub-Outlying Suburban) the base density of the subject property is 32 units. The current zoning on the property allows 64 units if the offsite 28 acres

are preserved. If the amendment is adopted as proposed, the subject property could be developed at 90 units. In addition, the 28-acre former preserve parcels could also be developed at the Sub-Outlying Suburban density of 2 units per acre, a total of 56 units. This results in a total of 146 dwelling units.

The Lee Plan, as currently exists would allow up to 90 dwelling units to be located on the 60 acres that were the subject of CPA2002-02. However, In order to achieve the 90 dwelling units, 28 of the 60 acres must be preserved. If the 28 acres are not preserved the Lee Plan only allows up to 60 dwelling units, or 1 per acre. In addition to the 90 dwelling units that could potentially be developed on the 60 acres, development rights for 30 dwelling units were to be created that the owners of the 28-acre parcel could sell or develop offsite.

Due to the declaration by the bankruptcy judge, there is no longer any agreement from the owners of the adjacent 28 acre preserve parcels to provide the preserve area specified in Policy 1.1.11, Paragraphs 1(a) and 1(b). Without the preserve area the adjacent parcels intended for preservation in the 2003 Lee Plan amendment would be limited to a "gross density of one dwelling unit per acre." Therefore the Lee Plan currently allows up to 32 dwelling units on the 32 acre subject property, as well as up to 28 dwelling units on the adjacent 28 acres for a total of 60 dwelling units.

The applicant is proposing to redesignate the 32 acre subject property to Outlying Suburban as well as eliminate paragraphs 1(a) and 1(b) of Lee Plan Policy 1.1.11. The adjacent 28 acres parcels would remain in the Sub-Outlying Suburban Future Land Use Category which has a density of 2 dwelling units per acre. The applicants' proposed amendment would allow up to 96 dwelling units on the 32 acre subject property, and would result in up to 56 dwelling units on the adjacent 28 acres for a total of 152 dwelling units.

Staffs recommendation would be to eliminate Lee Plan Policy 1.1.11, paragraphs 1, 1(a), and 1(b) without amending the Future Land Use Map in order to rectify the inconsistencies between the Lee Plan and the 2007 bankruptcy order. This option would allow up to 64 dwelling units on the 32 acre subject property, as well as up to 56 dwelling units on the adjacent 28 acres for a total of 120 dwelling units.

#### **FUTURE LAND USE MAP**

The subject property is part of a 60-acre area that is designated as Sub-Outlying Suburban. The subject property is 32 acres and the remaining 28 acres of the area are the "preserve parcels" designated by CPA2002-02. These 28 acres are split into two parts: one part to the northeast of the subject property and one part to the south of the subject property. (attachment 1) The proposed amendment would only change the future land use category on the 32-acre subject property. The remaining 28 acres would remain in the Sub-Outlying Suburban category. Therefore, redesignating the subject property to Outlying Suburban would create an isolated area of relatively higher density between two lower density areas.

#### CONSISTENCY WITH THE LEE PLAN

The reasons staff is recommending partial approval of this amendment are:

- The property is surrounded by low and very low density future land use categories.
- The property abuts the Estero Bay Preserve.
- The proposed amendment is inconsistent with Lee Plan Policies and 5.1.2 and 105.1.4 which seek to limit development in the Coastal High Hazard Area.
- It is inconsistent with a policy to limit density in rare and unique upland habitats in the coastal planning area.
- The language in parts 1a and 1b of Policy 1.1.11 is not consistent with a 2007 judicial bankruptcy order.

The current intent of Policy 1.1.11, paragraph 1 is to provide mitigation for the increased density on the subject property through conditions. Although the adopted language would result in 90 residential units on the 32 acre subject property, this would be offset by the preservation of 28 abutting acres. The applicants' proposed amendment would remove the offsetting mitigation provided by that language while keeping the 90 units. This is not consistent with the intent of the language adopted into the Lee Plan by CPA2002-02.

The Lee Plan currently uses the 1991 "Hurricane Storm Tide Atlas for Lee County" prepared by the Southwest Florida Regional Planning Council. The atlas shows that approximately 2.2 acres of the subject property are located within the Category 1 storm surge zone. However, Florida Statute 163.3178(2)h which governs local comprehensive plans, defines the coastal high-hazard area as "the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." According to the 2011 SLOSH model, the entire subject property is within the Category A Surge Zone (Attachment 2). Increasing residential density within this surge zone would increase the potential number of people subject to storm surge events. Increasing the density on the subject site does not conform to Lee Plan Policy 5.1.2, which is provided below:

As required by Florida Statutes, staff is currently working to update the Coastal High Hazard Area based on the 2011 SLOSH (Sea, Lake and Overland Surges from Hurricanes) model prepared by the Southwest Florida Regional Planning Council. Staff is particularly concerned that the flowway on the eastern side of the property would act as a conduit for storm surges coming up from Mullock Creek. These surges could not only flood part of the subject parcel, but flood the only access from the subject property to hurricane evacuation routes.

**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.

This policy is intended to reduce the number of residents that have the potential to be impacted by natural hazards. Increasing the number of residential units allowed on the

Page 7 of 12

subject site would expose more residents to the risk of storm surge from category 1 and 2 storms. For the same reason, the proposed amendment also is not consistent with Policy 105.1.4. This policy specifically states that future land uses in the Coastal High Hazard Area will be considered for reduced density in order to limit the future population exposed to coastal flooding.

**POLICY 105.1.4:** Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding.

Environmental Sciences Staff have identified approximately 16 acres of Rare and Unique Pine Flatwood habitat on the subject parcel. This is almost half of the subject property. Lee Plan Policy 104.1.1 is provided below:

**POLICY 104.1.1:** Development will be limited in Rare and Unique upland habitats and strictly controlled in wetlands in the coastal planning area. (See Policy 107.1.1(2) and Goal 114.) (Amended by Ordinance No. 94-30, 00-22)

Increasing the density on the subject site is not consistent with the above policy to limit development in rare and unique upland habitats. The concurrent rezoning case shows that approximately 16 acres of rare and unique uplands will be impacted by the proposed site design. The currently approved RPD also allows for impacts to these areas, however, this was permitted due to the preservation of rare and unique upland habitats as well as wetland flowways on the adjacent 28 acre parcels. This was consistent with the requirement to limit development in these areas. The concurrent rezoning case does not limit development in the rare and unique upland habitat.

Increasing the number of units on the subject property is inconsistent with the aforementioned Lee Plan policies. However, the preservation of the two adjacent parcels totaling 28 acres as required by Policy 1.1.11 is no longer possible because of the 2007 bankruptcy. Therefore, that language is now unnecessary. Removing this language would make the Lee Plan consistent with the judicial order resulting from the 2007 bankruptcy case.

#### TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

In a memo dated August 29, 2014, Lee County Department of Transportation staff stated:

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. For year 2035 long range transportation plan analysis, after running the FSUTMS travel demand model for year 2035 conditions, we determined the roadway segment of US 41 from Estero Pkwy to San Carlos Blvd will operate at LOS "F" with and without the proposed project in the year 2035.

The memo also stated that this project will access Pine Road which is a local road with no existing sidewalk and bike lanes. Lee Plan Map 3D-1, Lee County Bikeways/Walkways

Facility Plan, shows a future sidewalk on Pine Road. There is currently no funding listed in the Capital Improvement Plan for creating any improvements on Pine Road.

#### NATURAL RESOURCES

In an email dated October 10, 2014, Natural Resources stated:

Local offsite stormwater flows westward along Pine Rd. Once the surface water passes the end point of Pine Rd, it flows into the localized slough/depressional strip. This strip, consisted with Pompano Fine Sand, runs from the power line easement to the South Branch of Mullock Creek. The strip also runs parallel with the eastern boundary of the project site and crosses the proposed entrance road. The water at the slough is perceived to flow north passing through Shady Acres Mobile Homes before it discharges into the South Branch of Mullock Creek. However, detailed local storm drain could vary depending on several hydrologic factors including spatial rainfall pattern, maintenance conditions of the local drainage system, etc.

A detailed hydraulic analysis shall be submitted and reviewed through the zoning process for the drainage structure(s) underneath the proposed egress/ingress road.

#### **ENVIRONMENTAL ISSUES**

Environmental Sciences staff have reviewed the proposed amendment and performed a site inspection. Environmental Science staff provided a memo dated September 26, 2014 (Attachment 3). In the memo it was noted that approximately half of the subject property (15.9 acres of 32 total) contains rare and unique pine flatwoods habitat as defined by the Lee Plan.

The subject property is a 32 acre portion of the 60 acre site addressed by Policy 1.1.11. Under existing language, the remaining 28 acres would be preserved through a conservation easement in order for the subject property to be developed. Removing the Lee Plan requirements under Policy 1.1.11, paragraph 1a and 1b, along with the concurrent amendment to the rezoning increases the residential density and removes the requirement to cluster. Clustering of the residential units within the project boundary helped to preserve and protect rare and unique uplands and wetland flowways.

#### ALTERNATIVE TRANSPORTATION

In a letter dated February 21, 2014, Lee County Transit staff stated that LeeTran currently has no service on Pine Road and that there are no plans for service expansion in the area. The closest route to the subject property is Route 240. It is about ¾ of a mile from the subject property and runs from Bell Tower to the Coconut Point Mall.

#### **EMERGENCY MEDICAL SERVICES (EMS)**

In a letter dated January 31, 2014, Lee County EMS staff stated that the primary ambulance for the subject property is Medic 9 located 2.5 miles to the north. There are also 2 other service locations within 5 miles of the subject property. All three locations are able to meet existing service standards as required by County Ordinance 08-16.

#### **POLICE**

In a letter from May 20, 2014, the Lee County Sheriffs Office stated that the increased number of residents generated by the proposed increased density would not affect their ability to provide core levels of service.

#### FIRE

The property is located in the San Carlos Fire Protection and Rescue Service District. In a letter dated January 27, 2014, San Carlos Fire Protection staff stated that Station 53 has a response time of less than 3 minutes for the subject property. The district is able to provide fire and EMS Service to the property.

#### SCHOOL IMPACTS

In a letter dated March 7, 2014, School District staff state that the district currently contains sufficient capacity to accommodate the additional students that would be generated by the proposed amendment.

#### SOLID WASTE

In a letter dated January 27, 2014, Solid Waste Staff stated that their division is capable of providing service to the subject property through franchised contractors. Solid waste disposal would be accomplished at the Lee County Resource recovery Facility and the Lee-Hendry Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

#### UTILITIES

In a letter dated February 11, 2014, LCU staff stated that the subject property is located in the Lee County Utilities future service area depicted on Lee Plan Maps 6 and 7 for potable water and sanitary sewer, respectively. Potable water and sanitary sewer lines are in operation adjacent to the subject property but in order to provide service, developer funded system enhancements such as line extensions may be required. Lee County Utilities currently has sufficient capacity to provide both potable water and sanitary sewer service for the subject property. Potable water will be provided by the Pinewood Water Treatment Plant. Sanitary sewer service will be provided by the Three Oaks Wastewater Treatment Plant.

#### PARKS AND RECREATION

Table 17 of the 2013 Lee County Concurrency report covers the Estero/San Carlos/Three Oaks Community Park Benefit District (District #48). This district currently has 132 acres of parks and recreation amenities which exceeds both the required and desired levels of service listed by the Lee Plan.

#### **B. CONCLUSIONS**

The amendment as proposed by the applicant is inconsistent with the Lee Plan. It would increase the permitted density in an environmentally sensitive area without any of the preserve requirements that were adopted for the subject property in 2002. It would increase residential development within an area vulnerable to storm surges which is inconsistent with Policies 5.1.2 and 105.1.4. And it would increase residential density in an area with rare and

unique habitat which is inconsistent with Policy 104.1.1. The property is surrounded by lower density future land uses and abuts a large environmental preserve, both of which are inconsistent with an increase in density.

The applicant is not able to perform the mitigating preservation measures mandated by paragraphs 1a and 1b of Policy 1.1.11. Further, the language is not consistent with the ruling of the 2007 bankruptcy case on the 28-acre preserve parcel. Therefore, the site specific language should be removed from the policy.

Therefore, Planning Staff recommends that the Board of County Commissioners give a partial approval by *transmitting* the amendment without the change in future land use category and the Table 1(b), but with conditions 1, 1(a), and 1(b) removed from Policy 1.1.11.

# PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

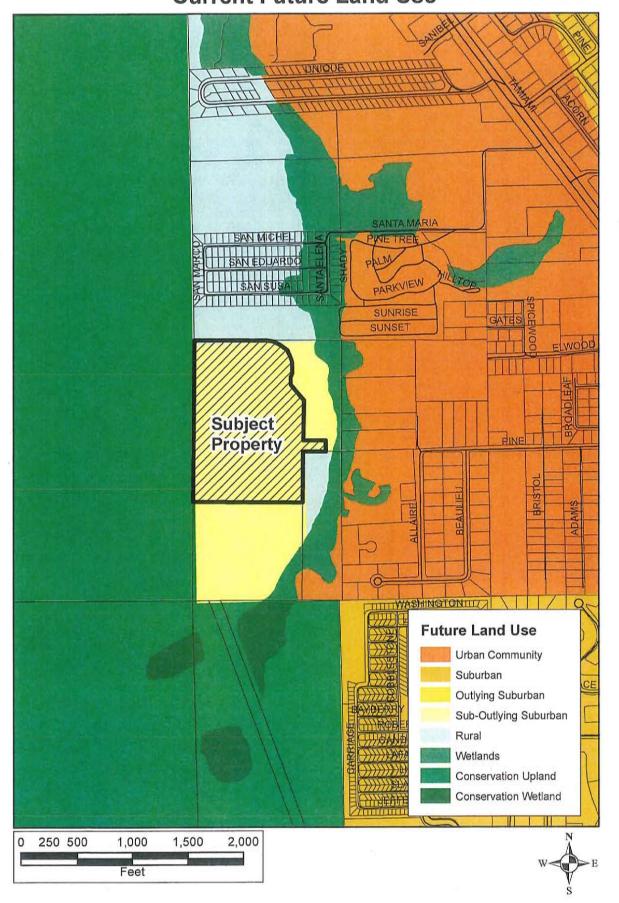
DATE OF PUBLIC HEARING: October 27, 2014

A.	LOCAL PLANNING AGENCY REVIEW		
В.	LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY		
	1. RECOMMENDATION:		
	2. BASIS AND RECOMMENDED FINDINGS OF FACT:		
C.	VOTE:		
	NOEL ANDRESS		
	DENNIS CHURCH		
	JIM GREEN		
	MITCH HUTCHCRAFT		
	JAMES INK		
	RICK JOYCE		

DAVID MULICKA

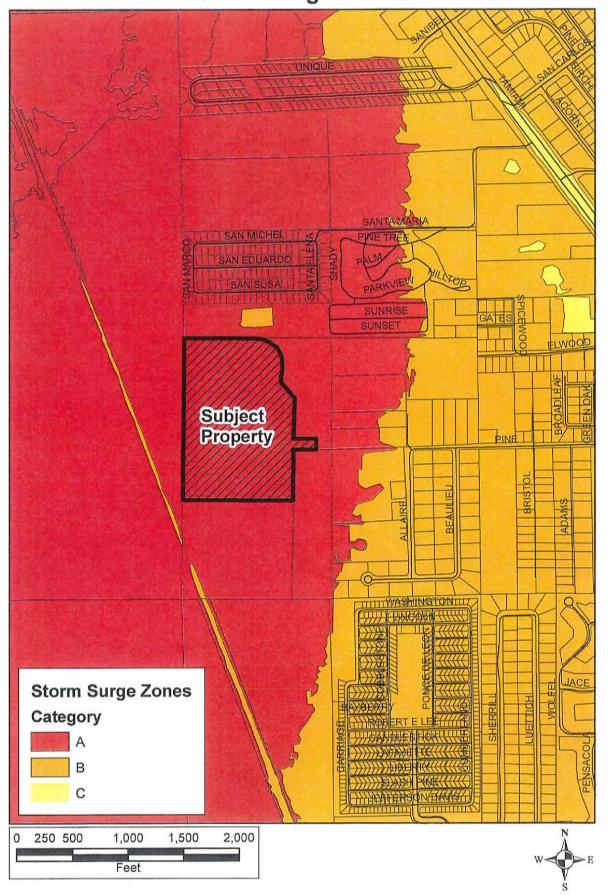
## CPA2014-02 Hideaway Cove Current Future Land Use

# **ATTACHMENT 1**



## CPA2014-02 Hideaway Cove Storm Surge Zones

# **ATTACHMENT 2**



## **ATTACHMENT 3**

#### MEMORANDUM FROM

# DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENVIRONMENTAL SCIENCES

Date:

September 26, 2014

To:

Peter Blackwell, Senior Planner

From:

Susie Derheimer, Environmental Planner

Phone: (239) 533-8158

E-mail: sderheimer@leegov.com

Project:

Hideaway Cove CPA2014-00002

Case: Strap:

20-46-25-01-00009.1020

#### SITE DESCRIPTION:

The 32 acres subject to this application is part of a 60 acre Residential Planned Development (RPD) approved through DCI2004-00064 Zoning Resolution Z-05-041. The RPD is located within the Estero Bay Watershed and abuts the state owned Estero Bay Buffer Preserve to the west, south, and southeast; occupied and vacant large lot residential to the northeast; and vacant Shady Acres Travel Park to the north. The 60 acres RPD has a current Future Land Use (FLU) of Sub-Outlying Suburban and Wetlands and abuts Conservation Lands to the west and south; Rural, Wetland, and Urban Community to the east; and Rural and Wetlands to the north. The wetlands located on and abutting to the east are part of an existing flowway as delineated in the attached Conservation and Flowways Map (labeled Attachment A).

#### REQUEST:

The proposed Comprehensive Plan Amendment (CPA2014-00002) requests to:

- Amend the FLU designation for the 32 acre property from Sub-Outlying Suburban to Outlying Suburban to allow for a maximum of 92 dwelling units; and
- Remove Lee Plan text language Policy 1.1.11.1. which indicates:
   For Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero Area:
  - a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern.

Page 1 of 4

- Clustered development must also connect to a central water and sanitary sewer system.
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity; and
- Amend Lee Plan Table 1(b) to add 32 acres of residential acreage to the Outlying Suburban Future Land Use Category in the San Carlos Planning Community.

A concurrent RPD amendment (DCI2012-00056) filed for 32 acres of the 60 acre RPD site requests to increase density to a maximum of 90 dwelling units; reduce the single family lot size from 10,000 square foot to 6,500 square foot lots and revise the Z-05-041 condition language as follows:

- 4a. The development order plans must <u>not change delineate</u> the 28 acres of preserve in substantial compliance with the Master Concept Plan. The plans must also delineate a physical barrier between the preserve and any abutting lots with preserve signs placed at every other lot corner. The physical barrier may include, but not limited to, a contiguous double staggered hedge of native shrubs, a 3-foot high berm, or a 4-foot high fence to prevent encroachment of clearing or other such activities in the preserve; and
- 4d. At the time of development order a recorded Conservation Easement dedicated to Lee County and any other appropriate agency or land trust for the 28 acre preserve must be submitted. Passive recreation such as trails, picnic tables, benches, observation platforms, boardwalks, educational signage, and conservation activities, such as resloping of the exiting borrow pit shoreline to provide a littoral shelf, hand removal of exotic vegetation, restoring existing trails/roadways to an appropriate native habitat, and management activities to maintain healthy ecosystem are allowed within the Conservation 28-acres preserve area Easement upon review and approval from the Division of Environmental Sciences' Staff.
- 5. Prior to any site work, an appropriate gopher tortoise permit from the Florida Fish and Wildlife Conservation Commission and any other associated receipts must be submitted to the Division of Environmental Sciences' (ES) Staff. Excavation of gopher tortoise burrows with the areas of impact must be coordinated with ES Staff, and all gopher tortoises and commensal species found must be moved to areas of appropriate habitat off-site in the 28 acre preserve area.

ES staff notes that the current RPD conditions (referenced above) to require that the 28 acre preserve be brought into the development order for the 32 acre residential development and record a conservation easement over the 28 acre preserve prior to the development order approval were put on the zoning approval to ensure consistency with corresponding Lee Plan Policy 1.1.11.1 a. and b. which requires the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern.

3

#### **ENVIRONMENTAL ASSESSMENT:**

An environmental assessment and associated Florida Land Use, Cover and Classification System (FLUCCS) for the 32 acre CPA site was prepared by W. Dexter Bender & Associates, Inc. (See Hideaway Cove Protected Species Assessment dated June 2012 (revised May 2014) labeled Attachment B). The site contains 30.68 acres of indigenous upland pine flatwoods and 1.32 acres potential jurisdictional wetlands. The wetlands have not been verified by jurisdictional state and federal agencies. The assessment indicates that a search of historical aerials reveals that the parcel has been logged in the past and no large pine trees are present; therefore, the pine flatwoods cannot be categorized as "mature" and does not meet the criteria for Rare and Unique uplands as defined by the Lee Plan which indicates "Rare and Unique upland habitats include, but are not limited to:... those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation."

The environmental assessment also indicates that Lee County Protected Species Survey (PSS) meeting the requirements of the Land Development Code (LDC) Chapter 10, Article III, Division 8 Standards was conducted. The survey found a total of 21 potentially occupied gopher tortoise (Gopherus polyphemus) burrows located on the 32 acre site for a potential 13± gopher tortoise. The RPD amendment requests to revise the Z-05-041 Condition #5 to allow for off-site relocation of the gopher tortoise instead of relocating the gopher tortoise to the on-site 28 acre preserve. Although the current Florida Fish and Wildlife Conservation Commission guidelines for gopher tortoise relocation have made it more restrictive for on-site relocation, given the amount of upland preserve on-site and the sites approximate to the abutting state owned conservation lands, ES staff finds that there still may be a option for on-site relocation and questions the applicant's proposal for strictly pursuing off-site relocation.

In addition, County Staff conducted a site inspection on June 27, 2014. During the site inspection ES staff observed that although historic aerials do reveal past logging activities have occurred within the site, approximately half of the pine flatwoods (FLUCCS 411 and 411E) has not been "severely impacted due to logging, drainage or exotic infestation" (See photos of habitat labeled Attachment C-2 pages). This pine flatwoods habitat is characterized by a Mesic Flatwoods community variation of an open canopy of tall pines and a dense, low ground layer of low shrubs, grasses, and forbs as identified in the Florida Natural Areas Inventory 2010 Edition (See Attachment D) with minimum exotic coverage of less than 10%. Therefore, ES staff finds the 32 acre site does contain 15.9 acres of Rare and Unique pine flatwoods habitat as defined by the Lee Plan. Also, ES staff notes that a Protected Species Assessment and FLUCCS map of entire 60 acre RPD was submitted with the original RPD application. The map depicts the

remaining 28 acre preserve/open space area contains listed gopher tortoise occupied, potential rare and unique uplands (FLUCCS 321/411) and exotic melaleuca wetlands (FLUCCS 424H) of the identify flowway (See the Protected Species Assessment Map stamped "Received DEC 16 2004" DCI2004-00064 labeled Attachment E).

#### **ENVIRONMENTAL CONCERNS:**

ES staff notes the CPA request to amend the FLUM for the 32 acres and remove the requirement to preserve 28 acres within the 60 acre site will increase the residential density without the Lee Plan requirement to cluster residential development in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. If the CPA is approved, the RPD would no longer be required to be consistent with Lee Plan Policy 1.1.11.1 a. and b. and thus <u>not</u> be required to bring the 28 acre preserve into the development order or provide a recorded conservation easement over the 28 acre preserve.

In addition, the RPD amendment is proposing to develop the 32 acres with single family lots meeting the LDC 34-695 conventional zoning district requirements. As per LDC Section 34-935(g)(1)(c.) the common open space requirements set forth in subsection (g)(1)(a.) requiring 40% open space in RPDs does not apply to developments consisting of a conventional subdivision for single family detached on lots of standard dimensions. Therefore, as proposed, the 32 acre single family conventional subdivision would not be required to provide 40% common open space and thus not be required to provide LDC 10-415(b)(1) 50 percent of the their open space percentage requirement through the onsite preserve of existing native vegetation communities (a.k.a. Indigenous Open Space). No Indigenous Open Space requirement means no requirement for a LDC 10-415(b)(4) Indigenous Management Plan.

ES Staff agrees that the current approved RPD and the proposed amendment depicts the 28 acres as preserve/open space BUT if the Lee Plan Policy language is removed and the fact that there is no indigenous preserve acreage requirement, no Indigenous Management Plan requirement and no development order and conservation easement for the 28 acre area; there is no assurance of long term protection, exotic removal and maintenance for the 28 acre preserve. In addition, the 28 acres can potentially be developed through future zoning actions since there is no indigenous open space requirement for the RPD and no requirement for the conservation easement.

#### CONCLUSION:

It is ultimately Planning Staffs' decision to determine if the Outlying Suburban FLU is appropriate at this location. But ES staff finds that changing the FLU from Sub-Outlying Suburban to Outlying Suburban and removing Policy 1.1.11.1 text language along with the corresponding amendment to the RPD, increases the residential density and removes the requirement to cluster the residential units within the RPD boundary to preserve and protect the rare and unique uplands and wetland flowways.



## Hideaway Cove Protected Species Assessment

Section 20, Township 46 South, Range 25 East Lee County, Florida

> June 2012 (revised May 2014)

> > Prepared for:

Taylor Morrison of Florida, Inc. 501 North Cattleman Road, Suite 101 Sarasota, FL 34232

Prepared by:

W. Dexter Bender & Associates, Inc. 4470 Camino Real Way, Suite 101 Fort Myers, FL 33966 (239) 334-3680

#### INTRODUCTION

The 32± acre parcel is located within a portion of Section 20, Township 46 South, Range 25 East, Lee County, Florida. The lands to the north, east, and south of the site consist of privately owned undeveloped and partially cleared property. Lands that are part of the publically owned Estero Bay Buffer Preserve are located to the west and southeast.

#### SITE CONDITIONS

The majority of the site consists of upland pine flatwoods with varying densities of exotics. Four melaleuca dominated wetlands are also present. Portions of the site appear to have been burned in the past few years.

#### **VEGETATIVE CLASSIFICATIONS**

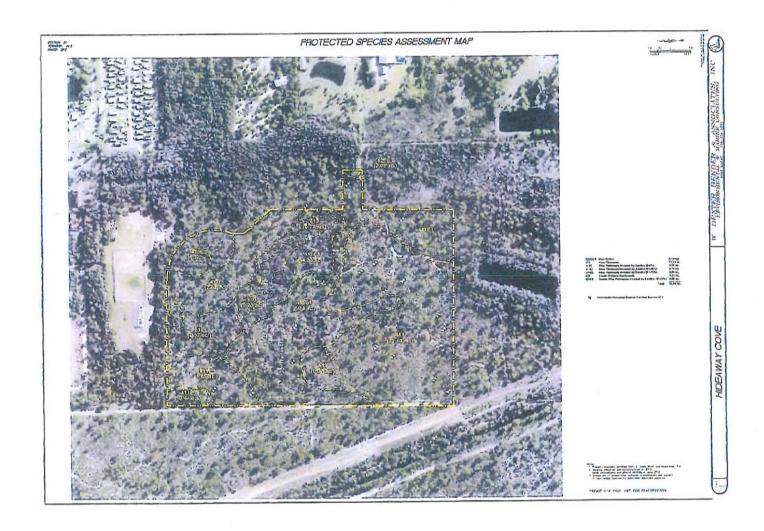
The predominant upland and wetland vegetation associations were mapped in the field on 2012 digital color 1" = 200' scale aerial photography. Six vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	
411	Pine Flatwoods	11.13
411E	Pine Flatwoods Invaded by Exotics (5 – 9%)	4.77
411E1	Pine Flatwoods Invaded by Exotics (10 – 25%)	8.74
411E3		
*619	Exotic Wetland Hardwoods	1.24
*625E3	Hydric Pine Flatwoods Invaded by Exotics (51 – 75%)	0.08
	Upland Subtotal	30.68
	Wetland Subtotal	1.32
	32.00	

#### FLUCCS Code 411, Pine Flatwoods

The southwest portion of the site consists of upland pine flatwoods. This area has an open canopy of slash pine (*Pinus elliottii*). The midstory is also open and consists of shrubs such as tarflower (*Befaria racemosa*), stagger bush (*Lyonia sp.*), wax myrtle (*Myrica cerifera*), and gallberry (*Ilex glabra*). Low growing saw palmetto (*Serenoa repens*) is the dominant ground cover species. Additional species such as penny royal (*Piloblephis rigida*), hatpin (*Eriocaulon sp.*), threeawn grass (*Aristida sp.*), pawpaw (*Asimina sp.*), St. John's wort (*Hypericum sp.*), muhly grass (*Muhlenbergia sp.*), and



running oak (*Quercus pumila*) are also present in the numerous open areas between the saw palmetto clumps. A search of historical aerials revealed that the parcel has been logged in the past and appears to have been burned in the past few years. There are no large pine trees present. This pine flatwood cannot be categorized as "mature" and does not meet the criteria for Rare and Unique uplands.

#### FLUCCS Code 411E, Pine Flatwoods Invaded by Exotics (5 – 9%)

Several areas of upland pine flatwoods in the northern portion of the site contain widely scattered exotics; primarily melaleuca (*Melaleuca quinquenervia*) and downy rosemyrtle (*Rhodomyrtus tomentosa*). Other than these exotics, the vegetation is very similar to the pine flatwoods described above.

#### FLUCCS Code 411E1, Pine Flatwoods Invaded by Exotics (10 - 25%)

A significant portion of the uplands have been colonized by slightly higher density of melaleuca and downy rose-myrtle. In these areas the saw palmetto tends to be somewhat taller with less open spaces between the clumps.

#### FLUCCS Code 411E3, Pine Flatwoods Invaded by Exotics (51 – 75%)

The upland pine flatwoods that are adjacent to the wetlands on-site have the greatest density of exotics. In these areas the dense growth of melaleuca has substantial reduced the density and diversity of native plants in all strata.

#### FLUCCS Code 619, Exotic Wetland Hardwoods

Four melaleuca dominated wetlands are present on the property. In these areas the ground cover is typically sparse and consists of species such as bushy bluestem (Andropogon glomeratus), redroot (Lachnanthes caroliniana), yellow-eyed grass (Xyris sp.), and little blue maidencane (Amphicarpum muhlenbergianum). While no standing water was present at the time of our site inspection, based on the adventitious roots on the melaleuca it appears that these depressional areas are inundated by two to five inches of water during the summer wet season.

#### FLUCCS Code 625E3, Hydric Pine Flatwoods Invaded by Exotics (51 - 75%)

A small area of hydric pine flatwoods that has been invaded by exotics is present in the eastern portion of the property. Slash pine and melaleuca dominate the canopy. The mid story contains cabbage palm (Sabal palmetto), Brazilian pepper (Schinus terebinthifolius), saltbush (Baccharis halimifolia), and myrsine (Rapanea punctata). Species present within the ground cover include swamp fern (Blechnum serrulatum) and saw-grass (Cladium jamaicense). This wetland community extends off-site to the east.

#### **SURVEY METHOD**

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the

occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 35 feet apart. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. The 1" = 200' scale aerial Protected Species Assessment Map (Figure 1) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the morning and mid-day hours of June 5, 2012. During the survey the weather was warm, humid and overcast.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the 32± acre property, and is provided for general informational purposes only.

Prior to conducting the protected species survey, a search of the FWC listed species database (updated in June 2012) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411	80	Gopher Frog (Rana areolata)		1
411E	80	Eastern Indigo Snake (Drymarchon corais		√ √
411E1	80	couperi)		
411E3	80	Gopher Tortoise (Gopherus polyphemus)	√	
		Red-cockaded Woodpecker (Picoides		√
		borealis)		,
		Southeastern American Kestrel ( <i>Falco</i>		√
		sparverius paulus)		1
		Big Cypress Fox Squirrel (Sciurus niger		√ √
		avicennia)		,
		Florida Black Bear (Ursus americanus		√
		floridanus)		_1
		Florida Panther (Felis concolor coryi)		1 1
		Beautiful Pawpaw (Deeringothamnus		٧
		pulchellus)		√
		Fakahatchee Burmannia ( <i>Burmannia flava</i> ) Florida Coontie ( <i>Zamia floridana</i> )		1
		Satinleaf (Chrysophyllum olivaeforme)		V
	-			, , , , , , , , , , , , , , , , , , ,
619	80	None		
625E3	80	Gopher Frog (Rana areolata)		\ \
		Eastern Indigo Snake (Drymarchon corais		√
		couperi)		<b>,</b>
		Arctic Peregrine Falcon (Falco peregrinus		√ √
	V-	tundrius)		1
	-	Little Blue Heron (Egretta caerulea)		1
		Red-cockaded Woodpecker (Picoides	***	\ \ \
		borealis)	a para de la companya	1
		Snowy Egret ( <i>Egretta thula</i> )   Tricolored Heron ( <i>Egretta tricolor</i> )		1 1
		Big Cypress Fox Squirrel (Sciurus niger		1
		avicennia)		"
		Everglades Mink ( <i>Mustela vison</i>		1
		evergladensis)		1
		Florida Black Bear ( <i>Ursus americanus</i>		√
		floridanus)		
		Florida Panther (Felis concolor coryi)		1

#### **SURVEY RESULTS**

A total of 21 potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows were observed within the property. Gopher tortoises are listed as threatened by the FWC but not listed by the FWS. Based on the 80 percent survey coverage, it is estimated that 26± gopher tortoise burrows are present on-site. The FWC standard burrow occupancy correction factor is 0.5 gopher tortoise per burrow which equates to 13± gopher tortoises.

Y:\MORRISON-2\PSA.Doc



# WALDROP ENGINEERING

**CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS** 

28100 BONITA GRANDE DR. #305 BONITA SPRINGS, FL 34135 P: 239-405-7777 F: 239-405-7899

February 18, 2014

Mr. Paul O'Connor, AICP Lee County Planning Division 1500 Monroe Street Fort Myers, FL 33901

RE: Hideaway Cove Comprehensive Plan Amendment

Dear Mr. O'Connor:

On behalf of Taylor Morrison of Florida, Inc. ("Applicant") please find the enclosed Comprehensive Plan Amendment (CPA) application requesting a large-scale Future Land Use Map Amendment and Text Amendments for the 32-acre property known as Hideaway Cove.

The Applicant is requesting approval of the following:

- 1) Amend the underlying Future Land Use Designation for the 32-acre subject property from Sub-Outlying Suburban to Outlying Suburban, allowing for a maximum of 96 dwelling units;
- 2) Remove site-specific text in Policy 1.1.11.1. a. and b. from the Future Land Use Element; and
- 3) Amend Lee Plan Table 1(b) "Planning Community Year 2030 Allocations" to add 32 acres of residential acreage to the Outlying Suburban Future Land Use Category in the San Carlos Planning Community.

Future Land Use Element (FLUE) Policy 1.1.11.1 a. and b. currently allocates 90 units for development on the subject property. Additional language in the policy ties development of the 32-acre subject property to the permanent conservation of the adjacent 28 acres owned by others. Since the Applicant does not have control of the adjacent 28 acres, and is unable to acquire conservation easements to preserve these lands in perpetuity, this application will allow for the appropriate development of the subject property as a stand-alone project, at a density consistent with the existing policy.

The requested Outlying Suburban Future Land Use Designation will allow for a logical transition from the lands designated Urban Community Category to the east, and the state-owned preserve lands to the west, which are designated as Conservation Lands. The enclosed application demonstrates there is adequate public infrastructure to support this request, and the proposed residential uses will be consistent with the surrounding development pattern.

Thank you in advance for your consideration of this request. If you have any questions or require further information, please do not hesitate to contact me directly at (239) 405-7777, ext. 207, or <a href="mailto:alexisc@waldropengineering.com">alexisc@waldropengineering.com</a>.

Sincerely,

WALDROP ENGINEERING, P.A.

Alexis V. Crespo, AICP, LEED AP Principal Planner

**Enclosures** 

cc: John Asher, Taylor Morrison of Florida, Inc.

Steven C. Hartsell, Esq., Pavese Law Firm

Tyler King, W. Dex Bender & Associations, Inc.

Jim Banks, P.E., JMB Transportation Engineering, Inc.

# **Hideaway Cove**

Comprehensive Plan Amendment Application

# **Local Planning Agency**

October 27, 2014

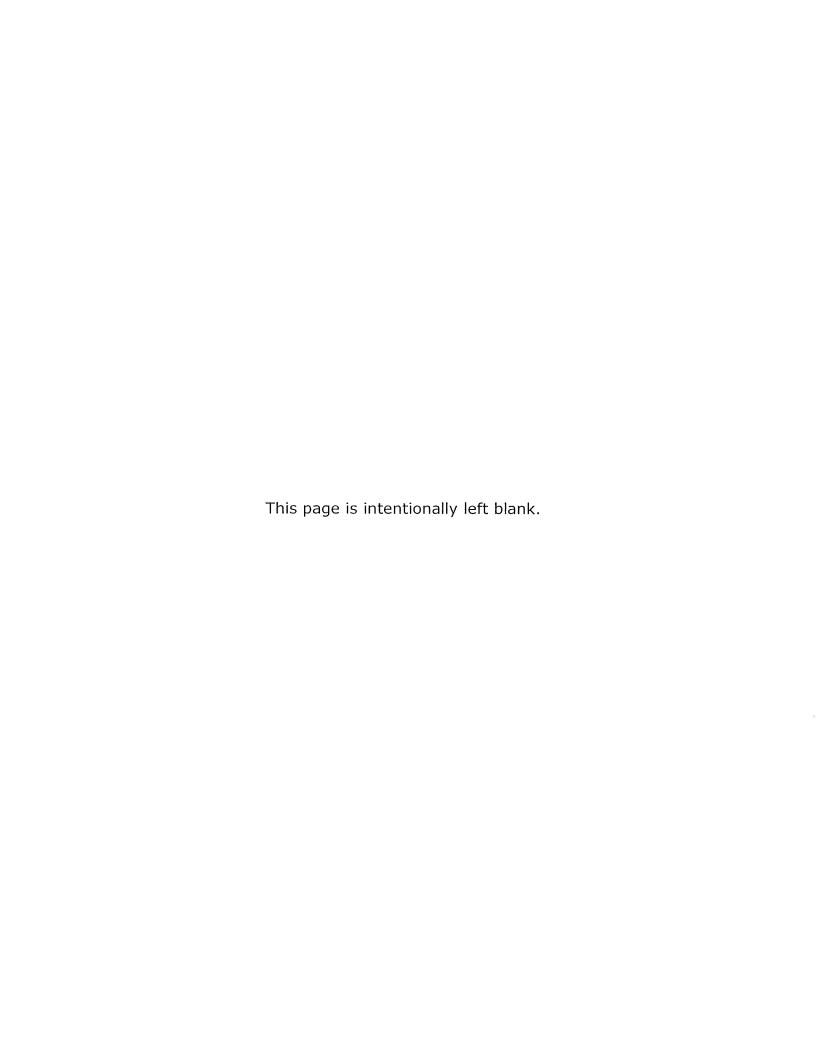
## **Prepared For:**

Taylor Morrison of Florida, Inc.

#### **Submitted To:**

Lee County Community Development Department
Planning Division
1500 Monroe Street
Fort Myers, FL 33901





# **Table of Contents**

Comprehensive Plan Amendment Application & Affidavit

**Additional Agents** 

#### **EXHIBITS**

Variance Report & Mailing Labels

**Proposed Text Amendments** 

Current Future Land Use Map

Proposed Future Land Use Map

**Existing Land Use Map** 

**Existing Zoning Map** 

Boundary Survey, Legal Description & Sketch of Description

Warranty Deed

**Aerial Location Map** 

**Traffic Circulation Analysis** 

Infrastructure Analysis

**Agency Letters** 

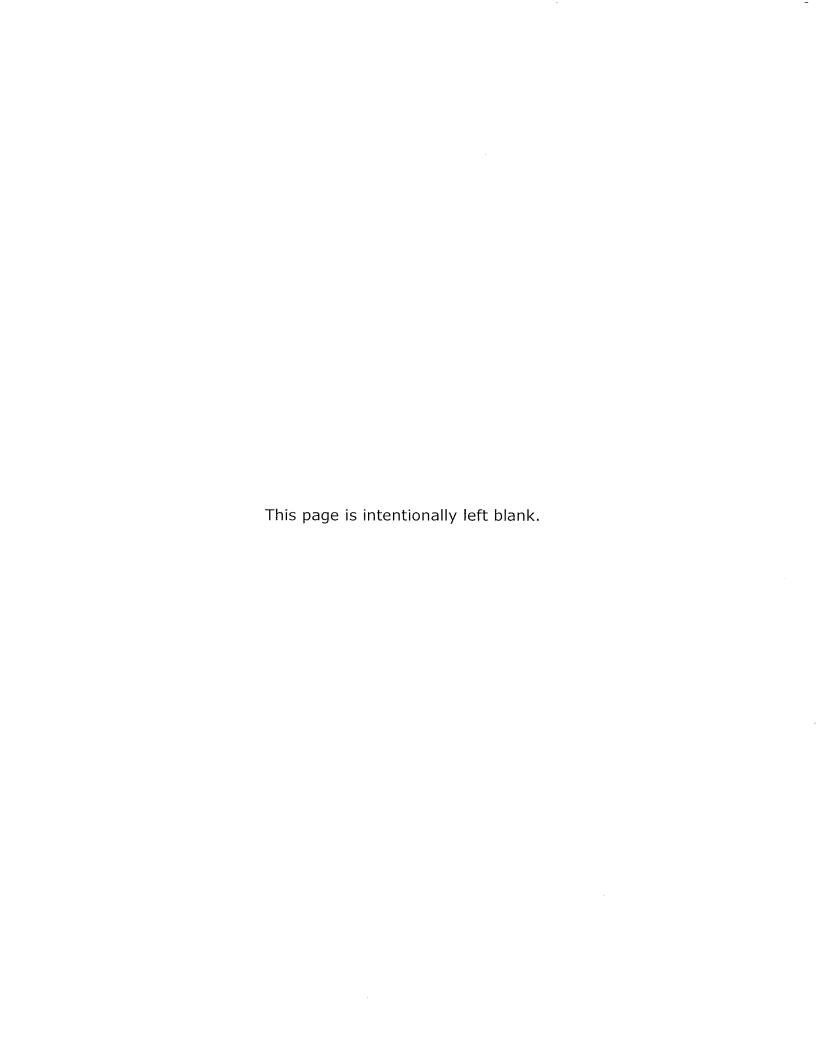
Environmental Impact Report & Supportive Maps

Master Site File Letter

Archaeological Sensitivity Map

Lee Plan Consistency Narrative

Lee County Planning Division Letter





Lee County Board of County Commissioners Department of Community Development Division of Planning Post Office Box 398 Fort Myers, FL 33902-0398 Telephone: (239) 533-8585 FAX: (239) 485-8344

## APPLICATION FOR A **COMPREHENSIVE PLAN AMENDMENT**

(To be comp	pleted at time of intake)
DATE REC'D:	REC'D BY:
APPLICATION FEE:	TIDEMARK NO:
THE FOLLOWING VERIFIED: Zoning	Commissioner District
Designation on FLUM	
(To be comp	leted by Planning Staff)
Plan Amendment Cycle:	☐ Small Scale ☐ DRI ☐ Emergency
Request No:	
space is needed, number and attach add application is:  Submit 6 copies of the complete application maps, to the Lee County Division of Plant Local Planning Agency, Board of County Community Affairs' packages. Staff will not I, the undersigned owner or authorized re	urately. Please print or type responses. If additional litional sheets. The total number of sheets in your on and amendment support documentation, including ning. Up to 90 additional copies will be required for y Commissioners hearings and the Department of tify the applicant prior to each hearing or mail out.
	ion. The information and documents provided are nowledge.

#### I. APPLICANT/AGENT/OWNER INFORMATION

Applicant: Taylor Morrison of Florida, Inc.	
Address: 551 North Cattlemen Road, Suite 200	
City, State, Zip: Sarasota, FL 34232	
Phone Number: (941) 371-3008	Fax Number:
Email: jasher@taylormorrison.com	
Agent*: Waldrop Engineering, P.A. c/o Alexis Cre	spo, AICP
Address: 28100 Bonita Grande Drive, Suite 305	
City, State, Zip: Bonita Springs, FL 34135	
Phone Number: (239) 405-7777, ext. 207	Fax Number: (239) 405-7899
Email: alexisc@waldropengineering.com	
Owner(s) of Record: Taylor Morrison of Florida, I	nc.
Address: 551 North Cattlemen Road, Suite 200	
City, State, Zip: Sarasota, FL 34232	
Phone Number: (941) 371-3008	Fax Number:
Email: jasher@taylormorrison.com	

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

Please refer to Additional Agents List

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

A. TYPE: (Check appropriate type)

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. An additional set of mailing labels is required if your request includes a change to the Future Land Use Map (Map 1, page 1). The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

<sup>\*</sup> This will be the person contacted for all business relative to the application.

At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

B. SUMMARY OF REQUEST (Brief explanation):

Amend the underlying Future Land Use designation for the 32-acre subject property from Sub-Outlying Suburban to Outlying Suburban; remove Policy 1.1.11.1 a. and b. from the Future Land Use Element; and amend Table 1(b) 2030 Planning Community Allocations for the San Carlos Planning Community

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

- A. Property Location:
  - 1. Site Address: Access Undetermined (Western terminus of Pine Road)
  - 2. STRAP(s): 20-46-25-01-00009.1020
- B. Property Information:

Total Acreage of Property: 32 acres

Total Acreage included in Reguest: 32 acres

Total Uplands: 30.68 acres

Total Wetlands: 1.32 acres

Current Zoning: Residential Planned Development (RPD)

Current Future Land Use Designation: Sub-Outlying Suburban

Area of each Existing Future Land Use Category: 32 acres

Existing Land Use: Vacant

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

Amend the FLU Designation to Outlying Suburban to allow for infill residential community

E. Potential development of the subject property:

1.	Calculation	of maximum	allowable	development	under	existing	FLUM:
----	-------------	------------	-----------	-------------	-------	----------	-------

Residential Units/Density 90 d.u.

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density
Commercial intensity
Industrial intensity

92 d.u. (3 du/acre X 30.68 upland acres = 92 d.u.)
(1 du/20 acres X 1.32 wetland acres = 0.66 du)

N/A

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 <u>each</u> 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 current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
- 3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
- 4. 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.
- 5. Map and describe existing zoning of the subject property and surrounding properties.
- 6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the

property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

- 7. A copy of the deed(s) for the property subject to the requested change.
- 8. An aerial map showing the subject property and surrounding properties.
- 9. 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 socioeconomic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socioeconomic 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 2030 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 (see Policy 95.1.3):
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools.

Analysis should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site:
- Projected 2030 LOS under existing designation:
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- 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).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- Include any other water conservation measures that will be applied to the site (see Goal 54).

- 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;
  - d. Solid Waste:
  - e. Mass Transit; and
  - f. 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 depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- 4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
- 5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
- 6. 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

 Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 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

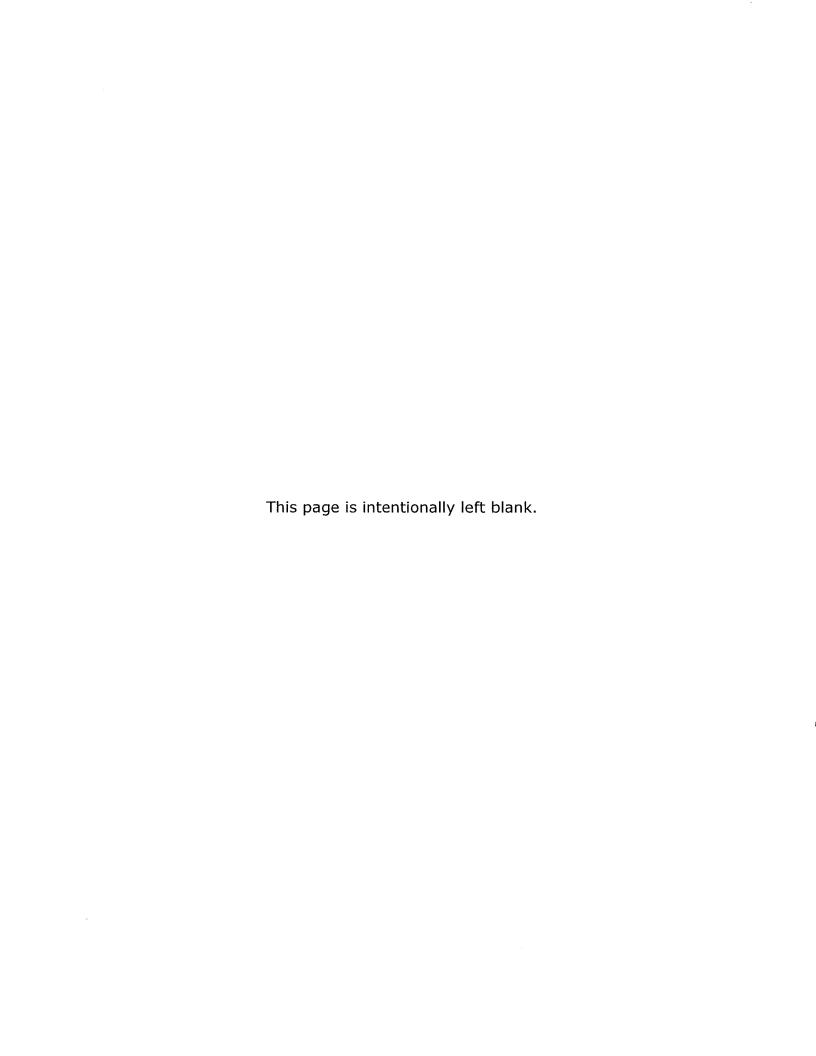
- 1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the 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	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

## **AFFIDAVIT**

I, John Asher , certify that I am the owner described herein, and that all answers to the q data, or other supplementary matter attached to and true to the best of my knowledge and bel Community Development to enter upon the p purpose of investigating and evaluating the reque	and made a part of this application, are honest lief. I also authorize the staff of Lee County roperty during normal working hours for the
Signature of Applicant John ASHER	1/13/14 Date
Printed Name of Applicant	
STATE OF FLORIDA COUNTY OF LEE	
The foregoing instrument was sworn to (or affirmed) by who is personally known to me or who has produced of identification) as identification.	(name of person providing oath or affirmation),
of identification) as identification.	Signature of Notary Public
ALEXIS V. CRESPO MAY COMMISSION # EM40362 EXPERS: November 06, 2014 14004490207 Ft. Notery Discount Assot. Co.	(Name typed, printed or stamped)





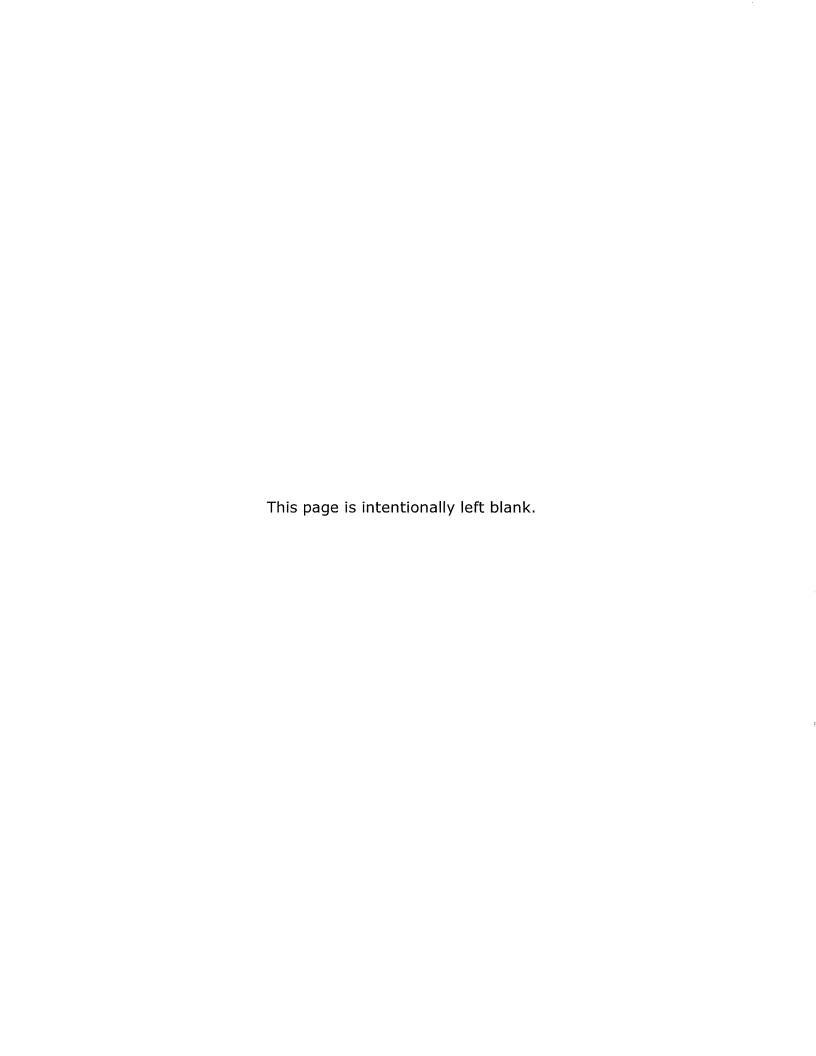
# WALDROP ENGINEERING

**CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS** 

28100 BONITA GRANDE DR. #305 BONITA SPRINGS, FL 34135 P: 239-405-7777 F: 239-405-7899

#### **ADDITIONAL AGENTS**

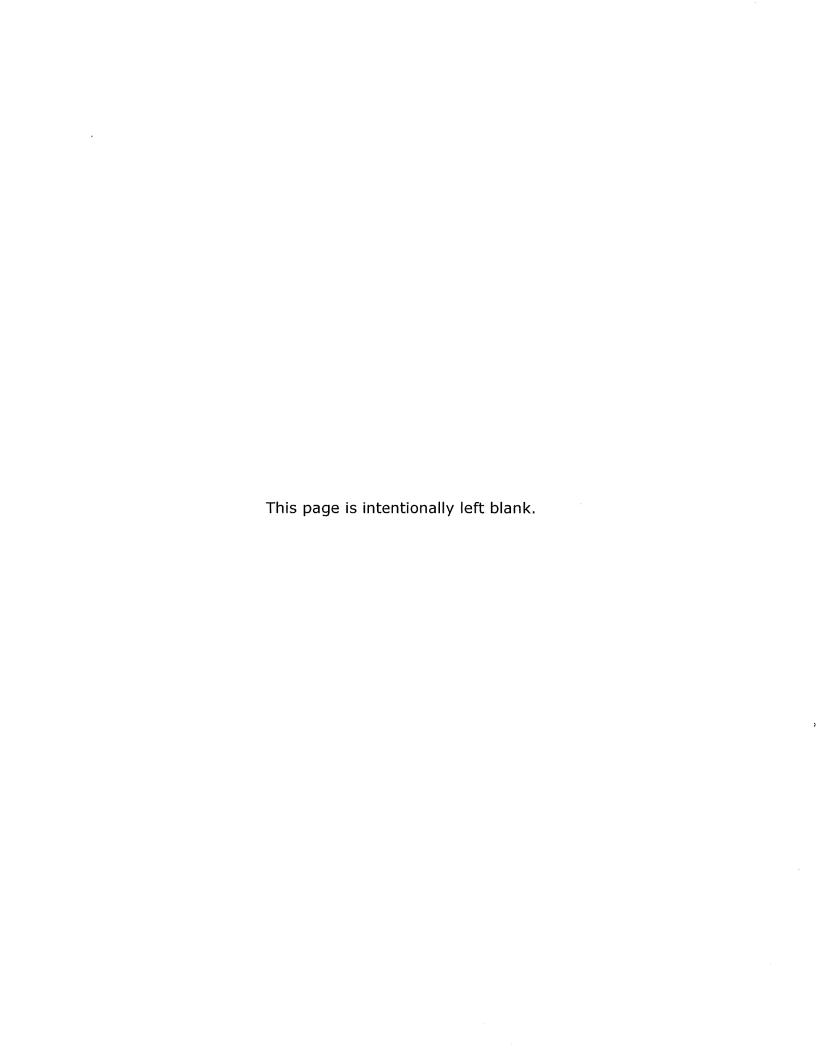
Contact: Steven C. Hartsell, E	sq.			
Company: Pavese Law Firm				0.00
Street: 1833 Hendry Street	City: Fort My	ers State:	FLZip C	ode: <u>33901</u>
Phone: (239) 336-6244	Fax: (239) 332-2243	Email: steveh	artsell@paves	elaw.com
Contact: Ron Waldrop, P.E.				
Company: Waldrop Enginee	ring, P.A.			
Street: 28100 Bonita Grande	Dr., Suite 305 <b>City</b> : <u>E</u>	Bonita Springs	State: <u>FL</u>	_ <b>Zip Code</b> : <u>34135</u>
Phone: (239) 405-7777	Fax: (239) 405-7899	Email:	ronw@waldr	opengineering.com
Contact: Tyler King				
Company: W. Dexter Bender	& Associates, Inc.			
Street: 4470 Camino Real Wa		ort Myers	_State: FL	Zip Code: <u>33966</u>
Phone: (239) 334-3680	Fax: (239) 334-8714	Email: tking@	dexbender.c	om
Contact: James Banks, P.E.				
Company: JMB Transportation	on Engineering, Inc.			
Street: 761 21st Street NW		_State: <u>FL</u>	_Zip Code: <u>3</u> 4	1120
Phone: (239) 919-2767	Fax:	_Email: jmbsw	te@msn.com	
Contact: J. Scott Rhodes, PS	M			
Company: Rhodes & Rhodes	Surveying			
Street: 28100 Bonita Grande		Bonita Springs	State: FL	_Zip Code: <u>34135</u>
Phone: (239) 405-8166				odesandrhodes.net



# VARIANCE REPORT

2/7/2014

Subject Parcels: 1 Affected Parcels: 50 Buffer Distance: 500 ft 26 别品 PLLTOP DE SUNRISE DR SUNSET CIR 12 TITTLE WASHINGTON WAY? 1,000 750 500 250 0 1,000 Feet 20-46-25-01-00009.1020





# Lee County Property Appraiser

## Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

**VARIANCE REPORT** 

Date of Report:

2/7/2014 11:23:34 AM

**Buffer Distance:** 

500 ft

Parcels Affected: 50

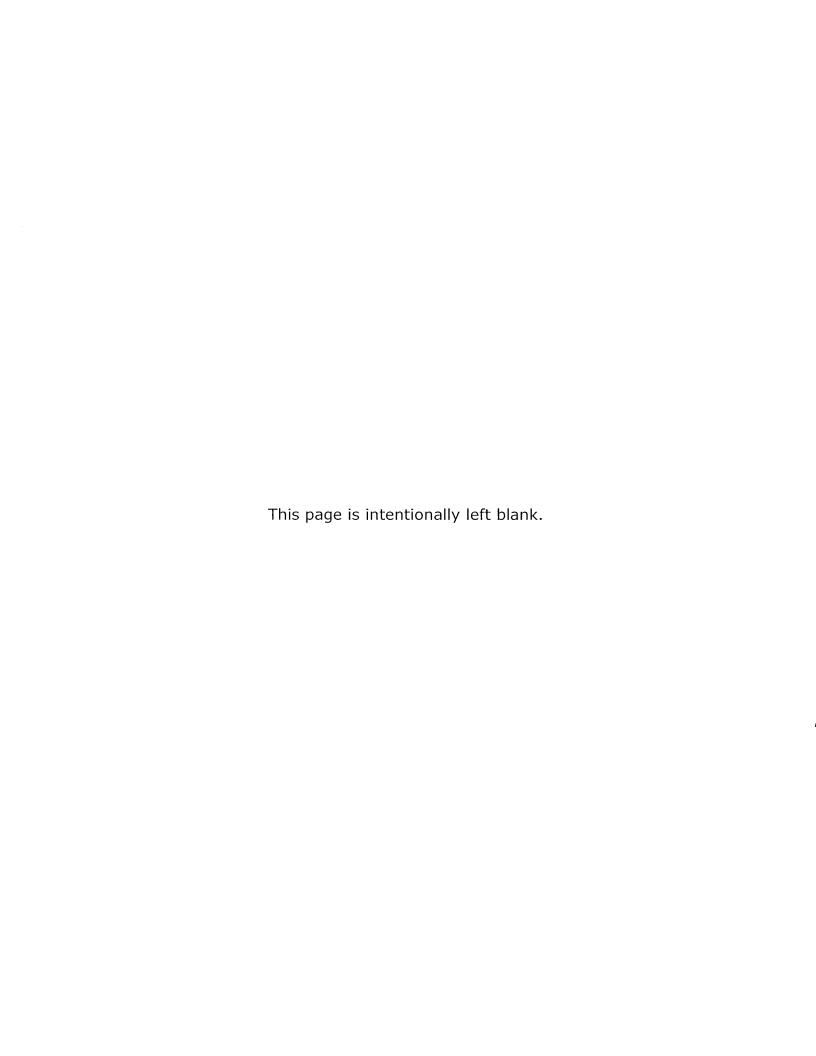
Subject Parcels:

20-46-25-01-00009.1020

OWNER NAME AND ADDRESS THEFREC + PARKS DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD	STRAP AND LOCATION 19-46-25-00-00002,0000 GOVT LOT FORT MYERS FL 33908	LEGAL DESCRIPTION E 1/2 SEC 19 LESS 2.001 SEC 19	MAP INDEX
TALLAHASSEE, FL 32399 SHADY ACRES TRAVEL PARK LLC 19370 S TAMIAMI TRL FORT MYERS, FL 33908	20-46-25-01-00007.0020 19370 S TAMIAMI TRL FORT MYERS FL 33908	SAN CARLOS GROVE TRACTS PB 4 PG 75 LOT 5 + PTS OF LOTS 4 + LOT 17 AS DESC IN INST #2009000291941 + 2010000134910	. 3
PENINSULA SAILFISH LLC NATOLI ENGINEERING CO 28 RESEARCH PARK CIR SAINT CHARLES, MO 63304	20-46-25-01-00009,0000 ACCESS UNDETERMINED FORT MYERS FL	SAN CARLOS GROVE TRACTS PB 4 PG 75 POR OF LOTS 6 THRU 8 LYING EAST OF PARCEL DESC IN OR 4315 PG 4271	4
STRICKLER DANIEL S + LORI	20-46-25-01-00009,0020	SAN CARLOS GROVE	5
4630 PINE RD	4630 PINE RD	PB 4 PG 75	
FORT MYERS, FL 33908	FORT MYERS FL 33908	TRACT 14 W 1/2 LES S 180 FT	
BIGGAR MALCOLM	20-46-25-01-00009.0030	SAN CARLOS GROVE	6
PO BOX 1333	4650 PINE RD	PB 4 PG 75	
ESTERO, FL 33928	FORT MYERS FL 33908	TRACT 15 W 1/2	
GUNDER CURT + JENNIFER	20-46-25-01-00009.0060	SAN CARLOS GROVE TRACTS	7
4739 RIVERSIDE DR	ACCESS UNDETERMINED	PB 4 PG 75	
ESTERO, FL 33928	FORT MYERS FL 33908	W 1/2 LOT 16	
ST MARK COPTIC ORTHODOX CHURCH	20-46-25-01-00010.0000	SAN CARLOS GROVE TRACTS	8
19800 ALLAIRE LN	19800 ALLAIRE LN	PB 4 PG 75	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 13 LESS OR 4156/1513	
SANTA EDO CORPORATION	20-46-25-11-00000,0280	SHADY ACRES SUB	9
16650 MCGREGOR BLVD # 103	19470 SAN MARCO DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 28	
SPENCER JOHN M	20-46-25-11-00000.0290	SHADY ACRES SUB	10
1911 BRACKENRIDGE	19480 SAN MARCO DR	PB 33 PG 99	
AUSTIN, TX 78704	FORT MYERS FL 33908	LOT 29	
SANTA EDO CORPORATION	20-46-25-11-00000,0300	SHADY ACRES SUB	11
16650 MCGREGOR BLVD # 103	19490 SAN MARCO DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 30	
SAN SUSA CORPORATION	20-46-25-11-00000.0310	SHADY ACRES SUB	12
16650 MCGREGOR BLVD # 103	4987 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 31	
SANTA EDO CORPORATION	20-46-25-11-00000.0320	SHADY ACRES SUB	13
16650 MCGREGOR BLVD # 103	4971 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 32	
SAN SUSA CORPORATION	20-46-25-11-00000.0330	SHADY ACRES SUB	14
16650 MCGREGOR BLVD # 103	4957 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 33	
SANTA EDO CORPORATION	20-46-25-11-00000,0340	SHADY ACRES SUB	15
16650 MCGREGOR BLVD # 103	4941 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 34	

OWNER NAME AND ADDRESS SAN SUSA CORPORATION 16650 MCGREGOR BLVD # 103 FORT MYERS, FL 33908	<b>STRAP AND LOCATION</b> 20-46-25-11-00000.0350 4927 SAN SUSA DR FORT MYERS FL 33908	LEGAL DESCRIPTION SHADY ACRES SUB PB 33 PG 99 LOT 35	MAP INDEX
SANTA EDO CORPORATION	20-46-25-11-00000,0360	SHADY ACRES SUB	17
16650 MCGREGOR BLVD # 103	4911 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 36	
SAN SUSA CORPORATION	20-46-25-11-00000.0370	SHADY ACRES SUB	18
16650 MCGREGOR BLVD # 103	4897 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 37	
SANTA EDO CORPORATION	20-46-25-11-00000.0380	SHADY ACRES SUB	19
16650 MCGREGOR BLVD # 103	4881 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 38	
SAN SUSA CORPORATION	20-46-25-11-00000.0390	SHADY ACRES SUB	20
16650 MCGREGOR BLVD # 103	4867 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 39	
SANTA EDO CORPORATION	20-46-25-11-00000.0400	SHADY ACRES SUB	21
16650 MCGREGOR BLVD # 103	4851 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 40	
SAN SUSA CORPORATION	20-46-25-11-00000.0410	SHADY ACRES SUB	22
16650 MCGREGOR BLVD # 103	4837 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 41	
SANTA EDO CORPORATION	20-46-25-11-00000.0420	SHADY ACRES SUB	23
16650 MCGREGOR BLVD # 103	4821 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 42	
SAN SUSA CORPORATION	20-46-25-11-00000.0430	SHADY ACRES SUB	24
16650 MCGREGOR BLVD # 103	4807 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 43	
SANTA EDO CORPORATION	20-46-25-11-0000.0440	SHADY ACRES SUB	25
16650 MCGREGOR BLVD # 103	4791 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 44	
SAN SUSA CORPORATION	20-46-25-11-00000.0450	SHADY ACRES SUB	26
16650 MCGREGOR BLVD # 103	4777 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 45	
SANTA EDO CORPORATION	20-46-25-11-00000.0460	SHADY ACRES SUB	27
16650 MCGREGOR BLVD # 103	4761 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 46	
SAN SUSA CORPORATION	20-46-25-11-00000.0470	SHADY ACRES SUB	28
16650 MCGREGOR BLVD # 103	4747 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 47	
SANTA EDO CORPORATION	20-46-25-11-00000,0480	SHADY ACRES SUB	29
16650 MCGREGOR BLVD # 103	4731 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 48	
SAN SUSA CORPORATION	20-46-25-11-00000.0490	SHADY ACRES SUB	30
16650 MCGREGOR BLVD # 103	4717 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 49	
SANTA EDO CORPORATION	20-46-25-11-00000.0500	SHADY ACRES SUB	31
16650 MCGREGOR BLVD # 103	4711 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 50	
SANTA EDO CORPORATION	20-46-25-11-00000.1140	SHADY ACRES SUB	32
16650 MCGREGOR BLVD # 103	4970 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 114	
SAN SUSA CORPORATION	20-46-25-11-00000.1150	SHADY ACRES SUB	33
16650 MCGREGOR BLVD # 103	4956 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 115	
SANTA EDO CORPORATION	20-46-25-11-00000,1160	SHADY ACRES SUB	34
16650 MCGREGOR BLVD # 103	4940 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 116	
SAN SUSA CORP	20-46-25-11-00000.1170	SHADY ACRES SUB	35
16650 MCGREGOR BLVD # 103	4926 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 117	
SANTA EDO CORPORATION 16650 MCGREGOR BLVD # 103 FORT MYERS, FL 33908	20-46-25-11-00000.1180 4910 SAN SUSA DR FORT MYERS FL 33908	SHADY ACRES SUB PB 33 PG 99 LOT 118 and subject to change without natice.	36

OWNER NAME AND ADDRESS SAN SUSA CORPORATION 16650 MCGREGOR BLVD # 103 FORT MYERS, FL 33908	STRAP AND LOCATION 20-46-25-11-00000.1190 4896 SAN SUSA DR FORT MYERS FL 33908	LEGAL DESCRIPTION SHADY ACRES SUB PB 33 PG 99 LOT 119	MAP INDEX 37
SANTA EDO CORPORATION	20-46-25-11-00000.1200	SHADY ACRES SUB	38
16650 MCGREGOR BLVD # 103	4880 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 120	
SAN SUSA CORP	20-46-25-11-00000,1210	SHADY ACRES SUB	39
16650 MCGREGOR BLVD # 103	4866 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 121	
SANTA EDO CORPORATION	20-46-25-11-00000.1220	SHADY ACRES SUB	40
16650 MCGREGOR BLVD # 103	4850 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 122	
SAN SUSA CORPORATION	20-46-25-11-00000.1230	SHADY ACRES SUB	41
16650 MCGREGOR BLVD # 103	4836 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 123	
SANTA EDO CORPORATION	20-46-25-11-00000.1240	SHADY ACRES SUB	42
16650 MCGREGOR BLVD # 103	4820 SAN SUSA DR	PB 33 PG 99	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 124	
SAN SUSA CORP	20-46-25-11-0000.1250	SHADY ACRES SUB	43
16650 MCGREGOR BLVD # 103	4806 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 125	
SANTA EDO CORPORATION	20-46-25-11-00000.1260	SHADY ACRES SUB	44
16650 MCGREGOR BLVD # 103	4790 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 126	
SAN SUSA CORPORATION	20-46-25-11-00000.1270	SHADY ACRES SUB	45
16650 MCGREGOR BLVD # 103	4776 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 127	
SANTA EDO CORPORATION	20-46-25-11-00000.1280	SHADY ACRES SUB	46
16650 MCGREGOR BLVD # 103	4760 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 128	
SAN SUSA CORPORATION	20-46-25-11-00000.1290	SHADY ACRES SUB	47
16650 MCGREGOR BLVD # 103	4746 SAN SUSA DR	PB 33 PG 98	
FORT MYERS, FL 33908	FORT MYERS FL 33908	LOT 129	
LEE COUNTY	20-46-25-12-0000A.0000	BELLAIRE SUBD	48
PO BOX 398	ACCESS UNDETERMINED	PB 36 PG 67 TRACT A	
FORT MYERS, FL 33902	FORT MYERS: FL	RETENTION AREA	
KLUSACEK MARK + ZOE	20-46-25-01-00009,0130	SAN CARLOS GROVE	49
4610 PINE RD	4610 PINE RD	PB 4 PG 75 S 180 FT	
FORT MYERS, FL 33908	FORT MYERS FL 33908	OF W1/2 OF TRACT 14	
TIITF/REC + PARKS DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE, FL 32399	20-46-25-01-00009.1000 ACCESS UNDETERMINED FORT MYERS FL	SAN CARLOS GROVE TRACTS PB 4 PG 75 LOT 12	50
PENINSULA SAILFISH LLC NATOLI ENGINEERING CO 28 RESEARCH PARK CIR SAINT CHARLES, MO 63304	20-46-25-01-00009.1040 ACCESS UNDETERMINED FORT MYERS FL	SAN CARLOS GROVE TRACTS PB 4 PG 75 POR OF LOTS 9 THRU 11 LYING SOUTH OF PARCEL DESC IN OR 4315 PG 4271	51



POLICY 1.1.10: The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County. These areas are specifically designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Lee Plan Policies 28.2.11 and 29.1.8 specify portions of the North Fort Myers and Fort Myers Shores Planning Communities, where the maximum permitted FAR is 0.26 and 0.25 respectively. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development.

(Added by Ordinance No. 07-09, Amended by Ordinance No. 10-34)

**POLICY 1.1.11:** The <u>Sub-Outlying Suburban</u> areas are residential areas that are predominantly low-density development. Generally the requisite infrastructure needed for higher density development is not planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.

- 1. For Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San—Carlos/Estero area:
  - a. The property may be developed at a gross density of one dwelling unit per acre; however,

    a gross density of up to two dwelling units per acre is permitted through the planned

    development zoning process, in which the residential development is clustered in a

    manner that provides for the protection of flowways, high quality native vegetation, and

    endangered, threatened or species of special concern. Clustered development must also

    connect to a central water and sanitary sewer system.

b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open—space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum—one hundred and twenty (120) residential dwelling units, to the State, County, or other—conservation entity.

(Added by Ordinance No. 07-09)

**OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AND PAGE FIELD GENERAL AVIATION AIRPORT AREAS.** Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year 2030. Designate on the Future Land Use Map existing and proposed development areas for Page Field General Aviation Airport. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the respective Airport Layout Plans suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas. (Amended by Ordinance No. 94-30, 02-02, 04-16, 07-12, 09-14)

POLICY 1.2.1: Airport Lands includes the existing facility and projected growth areas for the Southwest Florida International Airport and Page Field General Aviation Airport through the year 2030. The Airport Lands comprising the Southwest Florida International Airport includes airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses at Southwest Florida International Airport will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. Wetland mitigation for any future expansion or development of aviation and non-aviation uses on Airport Lands must be designed so it does not create a wildlife hazard. Development and land management practices on airport property will be in accordance with FAA directives and other required agency approvals. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

All development on Airport Lands comprising Southwest Florida International Airport must be consistent with Map 3F and Table 5(a). Map 3F depicts the planned expansion of the Southwest Florida International Airport through 2020.

Future development on Airport Lands comprising Page Field General Aviation Airport must be consistent with Objective 1.9 and related policies as well as Map 3G and Table 5(b).

TABLE 1(b)
Year 2030 Allocations

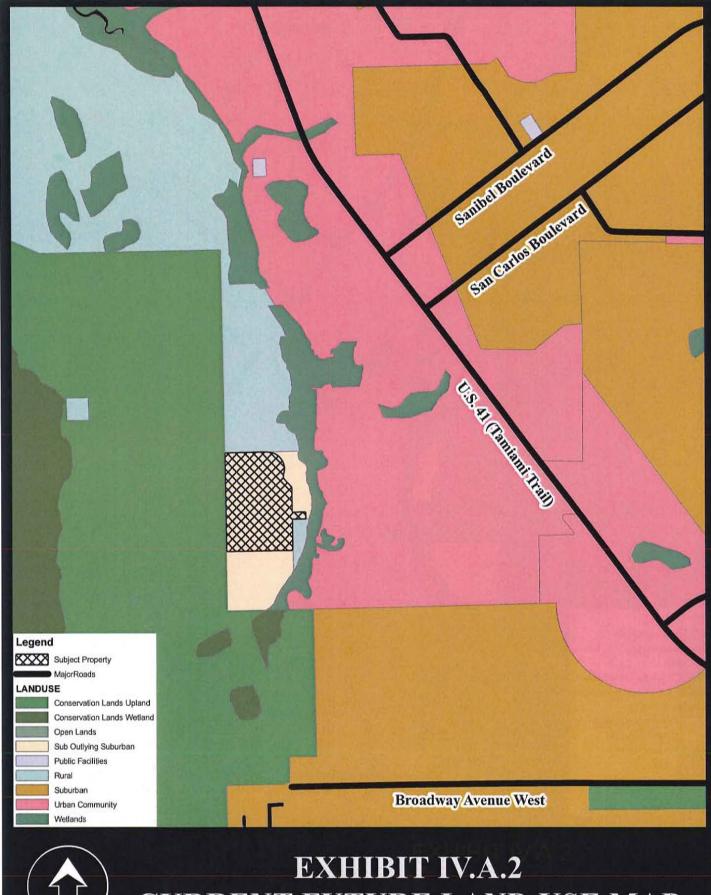
	Future Land Use Classification	Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
	Intensive Development	1,367	0	0	0	20	0	27	0	250	0	0	0
	Central Urban	14,787	0	0	0	225	0		0	230	0	0	0
	Urban Community	18,425	520	485	0	637	0	0	. 0	0	0	0	0
	Suburban	16,623	0	0	0	1,810	0	0	0	85	0	0	0
	Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0	1,700
	Sub-Outlying Suburban	1,548	0	0	0	367	0	0	0	0	0	0	0
	Industrial Development	79	0	0	0	0	0	0	0	39	0	20	0
Category	Public Facilities	1	0	0	0	0	0	0	1_	0	0	0	0
6a	University Community	850	0	0	0	0	0	0	0	0	0	0	0
ğ	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0	0
	Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0	0
Use	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
Land	General Interchange	42	0	0	0	0	0	0	0	0	0	0	2
La	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
1 2	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
Future	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0
*	New Community	900	0	0	0	0	0	0	0	0	0	900	0
l By	Airport	0	0	0	0	0	0	0	0	0	0	0	0
ıtia	Tradeport	9	0	0	0	0	0	0	0	0	0	9	0
Residential	Rural	8,313	1,948	0	0	1,400	636	0	0	0	0	0	1,500
sic	Rural Community Preserve	3,100	0	0	0	0	0	0	0	0	0	0	0
ď	Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0
	Outer Islands	202	5	0	0	1	0	0	150	0	0	0	0
	Open Lands	2,805	250	0	0	0	590	0	0	0	0	0	120
	Density Reduction/Groundwater Resourse	6,905	711	0	0	0	0	0	0	0	0	94	0
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	. 0	0	0	0	0	0
Ì	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
Tot	al Residential	81,373	3,464	485	0	4,500	1,250	29	651	604	0	1,023	3,322
	nmercial	12,793	57	52	0	400	50	17	125	150	0	1,100	440
Ind	ustrial	13,801	26	3	0	400	5	26	0	300	0	3,100	10
	Regulatory Allocations				100								
Publ	ic	82,252	7,100	421	0		7,000	20	1,961	350 0	0	7,500 0	2,416 20
	ve Agriculture	17,027 45,859	5,100 13,549	0	0		150 109	0	0	0	0	1,491	20
	sive Agriculture servation (wetlands)	81,948	2,214	611	0		3,236	133	1,603	748	0	2,809	1,719
Vaca		22,122	1,953	0	0	226	931	34	0		0		20
Total		357,175	33,463	1,572	0		12,731	259	4,340	2,197	0		7,967 16,488
Popula	ation Distribution*	495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582	10,488

<sup>\*</sup> Population for Unincorporated Area of Lee County

TABLE 1(b) Year 2030 Allocations

	Future Land Use Classification	lona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
	Intensive Development	0	0	0	660	3	42	0	365	0	0	0
	Central Urban	375	17	0	3,140	0	8,200	0	2,600	0	0	· 0
	Urban Community	850	1,000	0	860	500	13,013	0	0	110	450	0
	Suburban	2,488	1,975	0	1,200	675	0	0	6,690	0	1,700	0
	Outlying Suburban	377	<u>32</u> -0-	0	0	600	0	0	382	0	454	0
	Sub-Outlying Suburban	0	25	0	0	0	0	0	140	66	0	950
	Industrial Development	5	5	0	10	0	0	0	0	0	0	0
Category	Public Facilities	0	0	0	0	0	0	0	0	0	0	0
teg	University Community	0	850	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0
Use	Burnt Store Marina Village	0	0	0	0	0	0	0	0	0	0	0
7.0	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0
Land	General Interchange	0	0	0	0	0	0	15	7	0	6	12
76	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0
lur	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0
Future	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0
Ву	New Community	0	0	0	0	0	0	0	0	0	0	0
al F	Airport	0	0	0	0	0	0	0	0	0	0	0
Residential	Tradeport	0	0	0	0	0	0	0	0	0	0	0
ide	Rural	0	90	0	0	190	14	0	500	50	635	1,350
es	Rural Community Preserve	0	0	0	0	0	0	0	0	3,100	0	0
&	Coastal Rural	0	0	0	0	1,300	0	0	0	0	0	0
	Outer Islands	1	0	0	0	45	0	0	0	0	0	0
	Open Lands	0	0	0	0	0	0	0	45	0	0	1,800
	Density Reduction/Groundwater Resourse	0	0	0	0	0	0	4,000	0	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0
	I Residential	4,104	3,994 <del>3,962</del>	0	5,870	3,313	21,269	4,015	10,729	3,326	3,245	6,212
	nmercial	1,100	1,944	0	2,100	226	1,420	68	1,687	18	1,700	139
	strial	320	450	0	900	64	300	7,246	554	5	87	5
	egulatory Allocations		0.055							1 16-	- 00	1.56
Publi Active	s e Agriculture	3,550 0	3,059	0	3,500 0	2,100 2,400	15,289 0	12,000 7,171	4,000 200	1,486 411	7,000 125	1,500 900
	ve Agriculture	0	0	0	0	815	0	18,000	1,556	3,619	200	4,000
Cons	ervation (wetlands)	9,306	2,969	0	188	14,767	1,541	31,359	1,317	336	5,068	882
Vaca	nt	975	594	0	309	3,781	8,085	470	2,060	1,000	809	530
Total	ion Distribution*	19,355 34,538	12,978 36,963	0	12,867 58,363	27,466 13,265	47,904 164,699	80,329 1,270	22,103 70,659	10,201 6,117	18,234 25,395	14,168 8,410
	n for Unincorporated Area of Lee County	34,030	30,863	U	30,303	13,203	104,099	1,270	70,009	0,117	20,395	0,410

<sup>\*</sup> Population for Unincorporated Area of Lee County





**CURRENT FUTURE LAND USE MAP** 

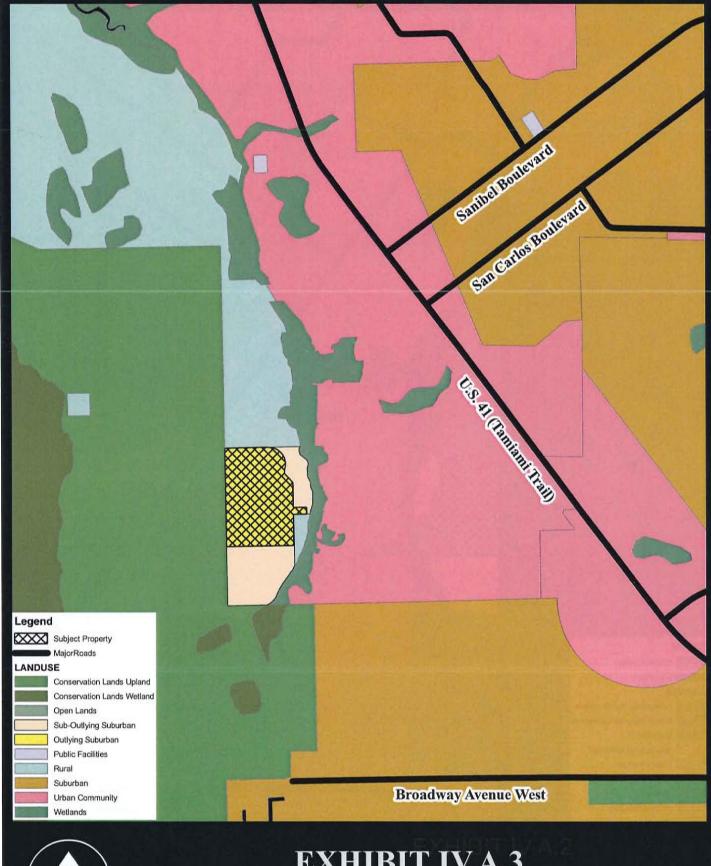
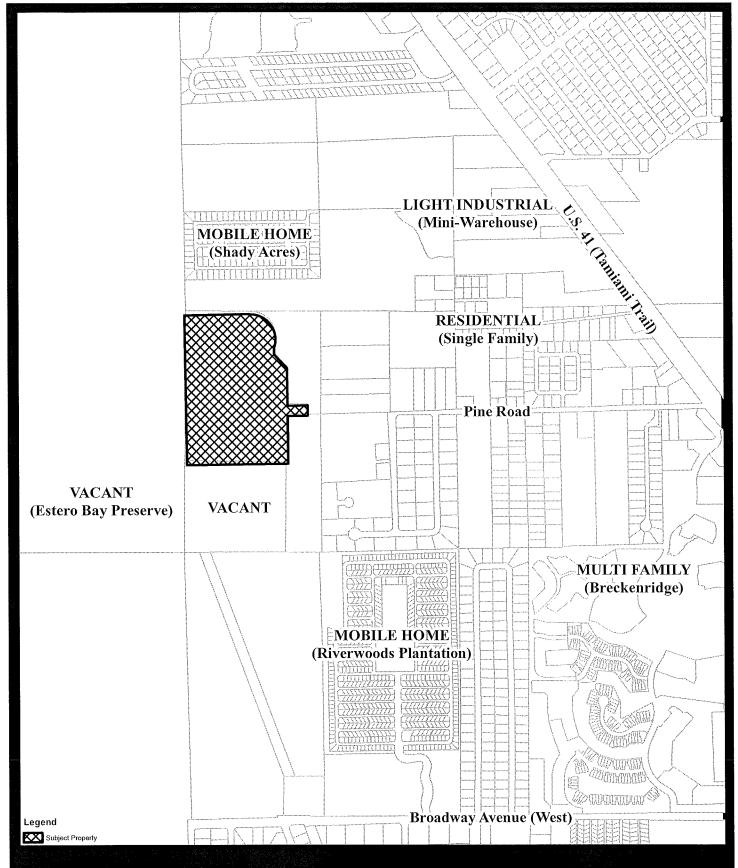




EXHIBIT IV.A.3 PROPOSED FUTURE LAND USE MAP





# EXHIBIT IV.A.4 EXISTING LAND USE MAP

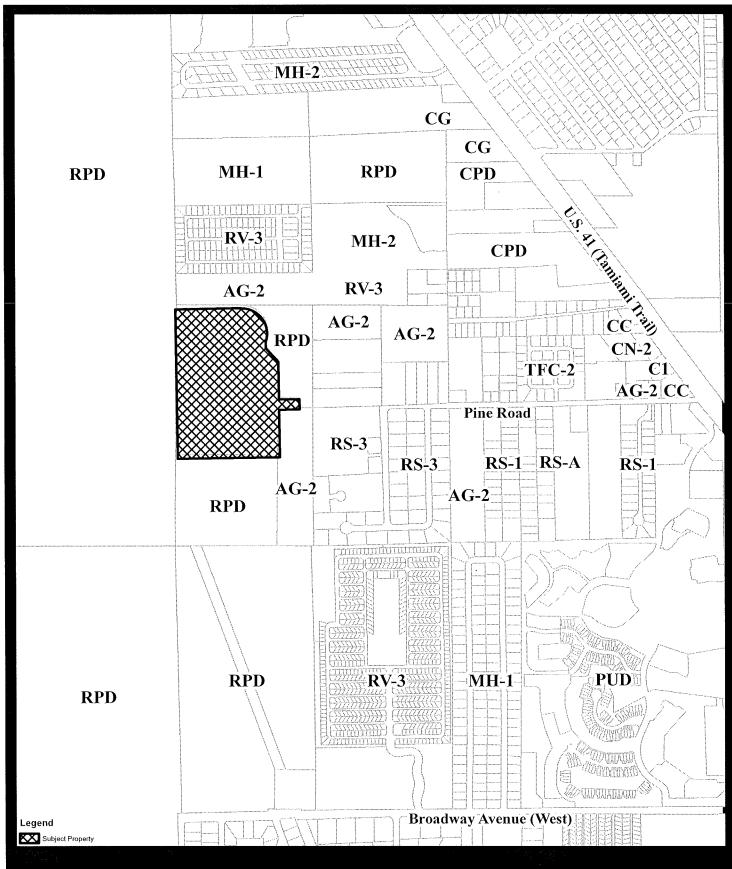




EXHIBIT IV.A.5
EXISTING ZONING MAP

## RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S. M. 28100 BONITA GRANDE DRIVE SUITE 107 BONITA SPRINGS, FL 34135 PHONE (239) 405-8166 FAX (239) 405-8163

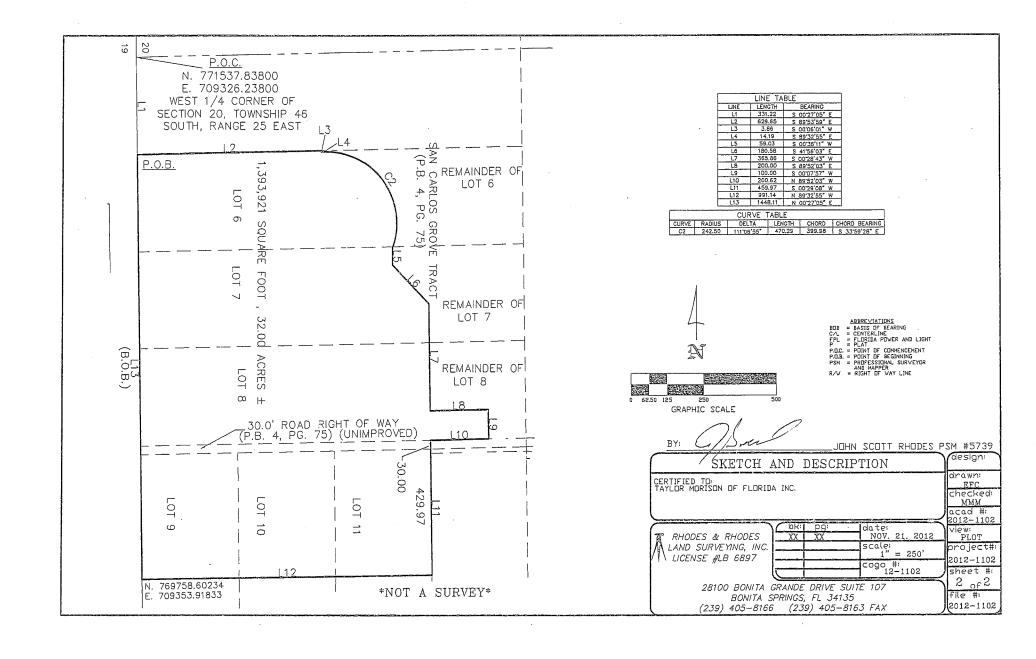
#### LEGAL DESCRIPTION

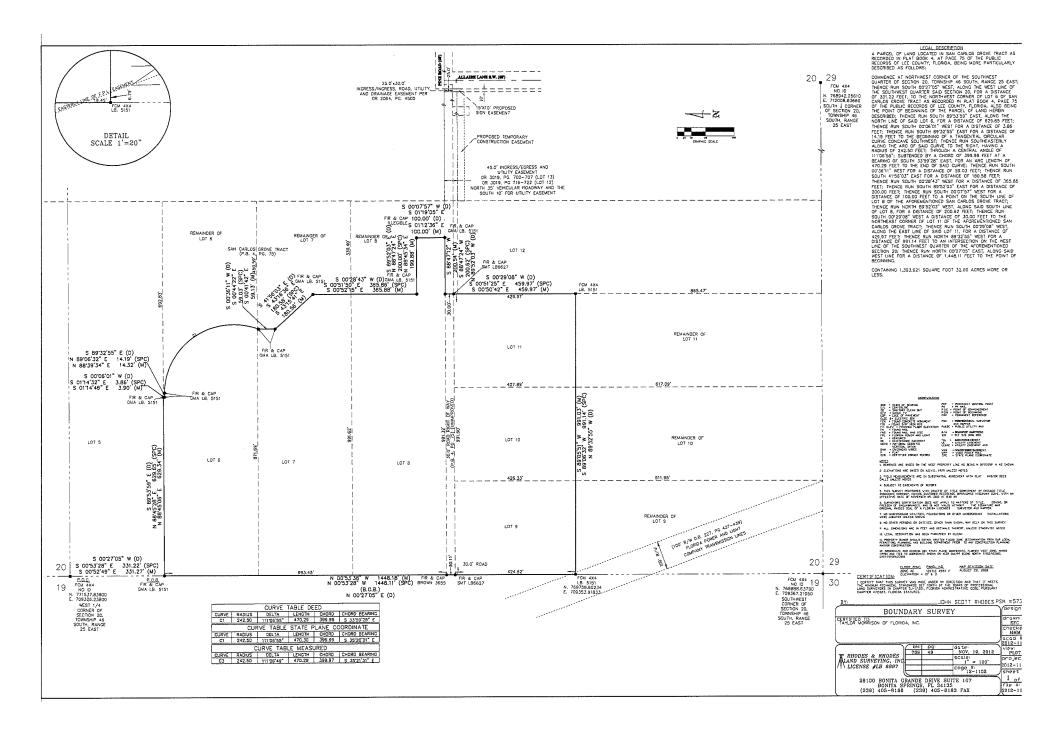
A PARCEL OF LAND LOCATED IN SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, AT PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN SOUTH 00°27'05" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER SAID SECTION 20, FOR A DISTANCE OF 331.22 FEET, TO THE NORTHWEST CORNER OF LOT 6 OF SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN SOUTH 89°53'59" EAST, ALONG THE NORTH LINE OF SAID LOT 6, FOR A DISTANCE OF 629.65 FEET; THENCE RUN SOUTH 00°06'01" WEST FOR A DISTANCE OF 3.86 FEET; THENCE RUN SOUTH 89°32'55" EAST FOR A DISTANCE OF 14.19 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 242.50 FEET; THROUGH A CENTRAL ANGLE OF 111°06'55"; SUBTENDED BY A CHORD OF 399.98 FEET AT A BEARING OF SOUTH 33°59'28" EAST, FOR AN ARC LENGTH OF 470.29 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 00°36'11" WEST FOR A DISTANCE OF 59.03 FEET; THENCE RUN SOUTH 41°56'03" EAST FOR A DISTANCE OF 180.58 FEET; THENCE RUN SOUTH 00°28'43" WEST FOR A DISTANCE OF 365.86 FEET: THENCE RUN SOUTH 89°52'03" EAST FOR A DISTANCE OF 200.00 FEET; THENCE RUN SOUTH 00°07'57" WEST FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 8 OF THE AFOREMENTIONED SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89°52'03" WEST, ALONG SAID SOUTH LINE OF LOT 8, FOR A DISTANCE OF 200.62 FEET; THENCE RUN SOUTH 00°29'08" WEST A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF LOT 11 OF THE AFOREMENTIONED SAN CARLOS GROVE TRACT; THENCE RUN SOUTH 00°29'08" WEST, ALONG THE EAST LINE OF SAID LOT 11, FOR A DISTANCE OF 429.97 FEET; THENCE RUN NORTH 89°32'55" WEST FOR A DISTANCE OF 991.14 FEET TO AN INTERSECTION ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE AFOREMENTIONED SECTION 20; THENCE RUN NORTH 00°27'05" EAST, ALONG SAID WEST LINE FOR A DISTANCE OF 1,448.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,393,921 SQUARE FOOT, 32.00 ACRES MORE OR LESS

BEARING ARE BASED OF THE WESTERLY PROPERTY LINE AS BEING N 00°27'05" E AS SHOWN.







The Instrument Prepared by and after Recording Return to: (enclose self-addressed stamped envelope)

Mark F. Grant, Esq. Ruden McClosky P.A. 5150 North Tamiami Trail, Suite 502 Naples, Florida 34103

Property Appraiser's Parcel

Identification No: 20-46-25-01-00009-1030

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

## **QUIT-CLAIM DEED**

This Quit-Claim Deed, made this 1<sup>st</sup> day of March, 2011, between TAYLOR MORRISON SERVICES, INC., a Delaware corporation, f/k/a MORRISON HOMES, INC., whose address is 4905 W. Laurel Street, Suite 100, Tampa, Florida 33607 ("GRANTOR"), and TAYLOR MORRISON OF FLORIDA, INC., a Florida corporation, whose address is 501 North Cattlemen Road, Suite 100, Sarasota, FL 34232 ("GRANTEE").

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations, in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand and makes no warranties or representations as to its interest which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

Subject to covenants, conditions, restrictions, reservations, limitations and easements of record, if any, which are not reimposed hereby, and taxes and assessments for the current and subsequent years.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anyways appertaining and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity to the only proper use, benefit and behoof of the Grantee forever.

NOTICE TO RECORDER: This instrument conveys unencumbered real property to a business entity that is either wholly owned by or the sole owner of the grantor, not in exchange for any ownership interest in such business entity. Pursuant to the case of *Crescent Miami Center*, *LLC v. Florida Department of Revenue*, 903 So. 2d 913 (Fla. 2005), this instrument is subject to only nominal Florida documentary stamp tax in the amount of seventy cents.

RM:7848102:1

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day first above written.

Signed, sealed and delivered in our presence:

TAYLOR MORRISON SERVICES, INC., a Delaware corporation, f/k/a MORRISON HOMES, INC.

Print Name:

S. Told Merri

Print Name:

Elaine A. Straia

By: \_

Douglas) D. Miller, Vice President

STATE OF FLORIDA

)SS:

**COUNTY OF HILLSBOROUGH)** 

I HEREBY CERTIFY that on this 1<sup>st</sup> day of March, 2011, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing Quit-Claim Deed was acknowledged before me by Douglas D. Miller, as Vice President of TAYLOR MORRISON SERVICES, INC., a Delaware corporation, f/k/a Morrison Homes, Inc., who is personally known to me.

NOTARY PUBLIC, State of Florida, at Large

(Notary Seal)

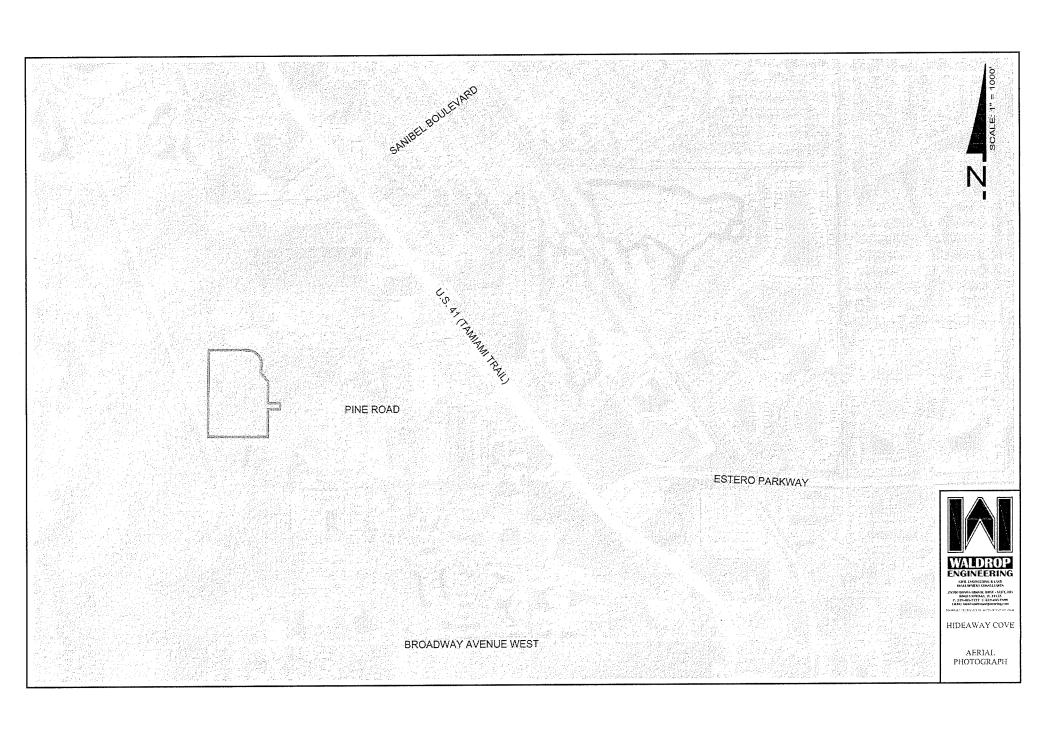
Notary Public State of Florida Elaine A Stulic My Commission EE053881 Expires 03/26/2015

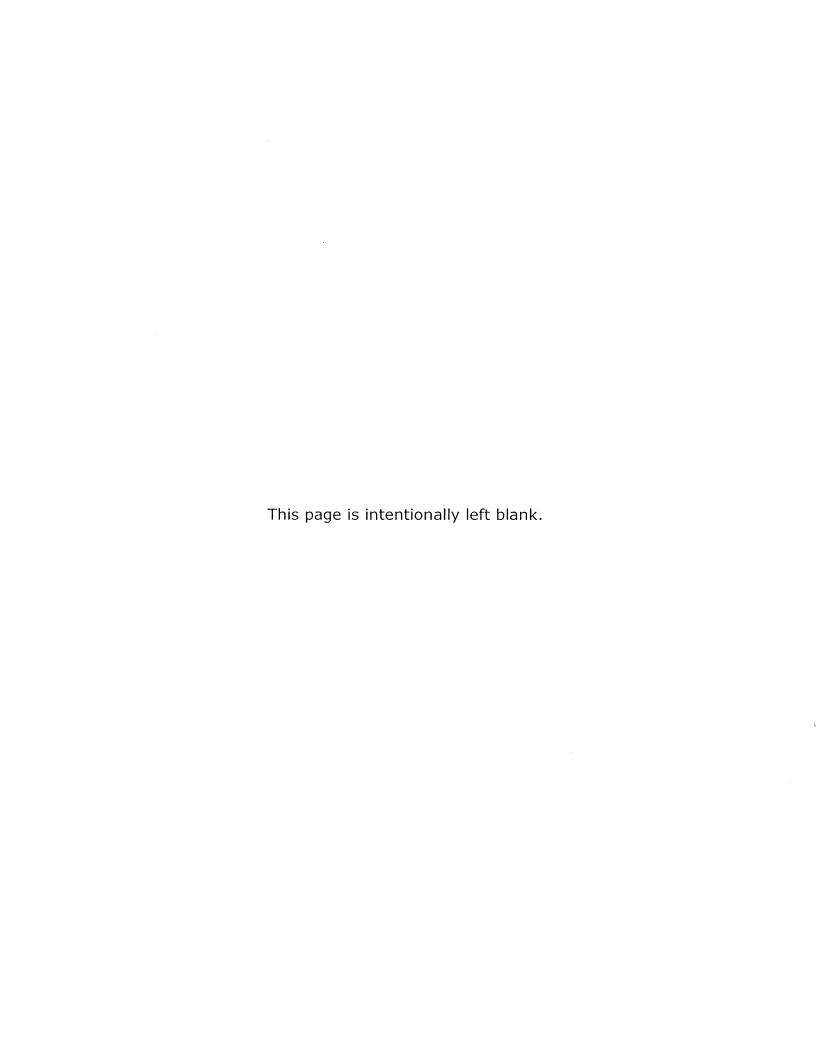
## EXHIBIT "A" LEGAL DESCRIPTION

The 30.00 feet roadway in SAN CARLOS GROVE TRACT, recorded in Plat Book 4, at Page 75, Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of Lot 9 of said SAN CARLOS GROVE TRACT; thence run North 00°27'05" East, along the West line of said SAN CARLOS GROVE TRACT, for a distance of 30.00 feet to the Southwest corner of Lot 8 of the aforementioned SAN CARLOS GROVE TRACT; thence run South 89°52'03" East, along the South line of said Lot 8, for a distance of 991.43 feet; thence run South 00°29'08" West for a distance of 30.00 feet to the Northeast corner of Lot 11 of the aforementioned SAN CARLOS GROVE TRACT; thence run North 89°52'03" West, along the North line of Lots 11, 10 and 9 of said SAN CARLOS GROVE TRACT, for a distance of 991.41 feet to the Point of Beginning.







# JMB TRANSPORTATION ENGINEERING, INC.

TRAFFIC/TRANSPORTATION ENGINEERING & PLANNING SERVICES

# TRAFFIC IMPACT STATEMENT

For

# HIDEAWAY COVE COMPREHENSIVE PLAN AMENDMENT

(Lee County, Florida)

**February 3, 2014** 

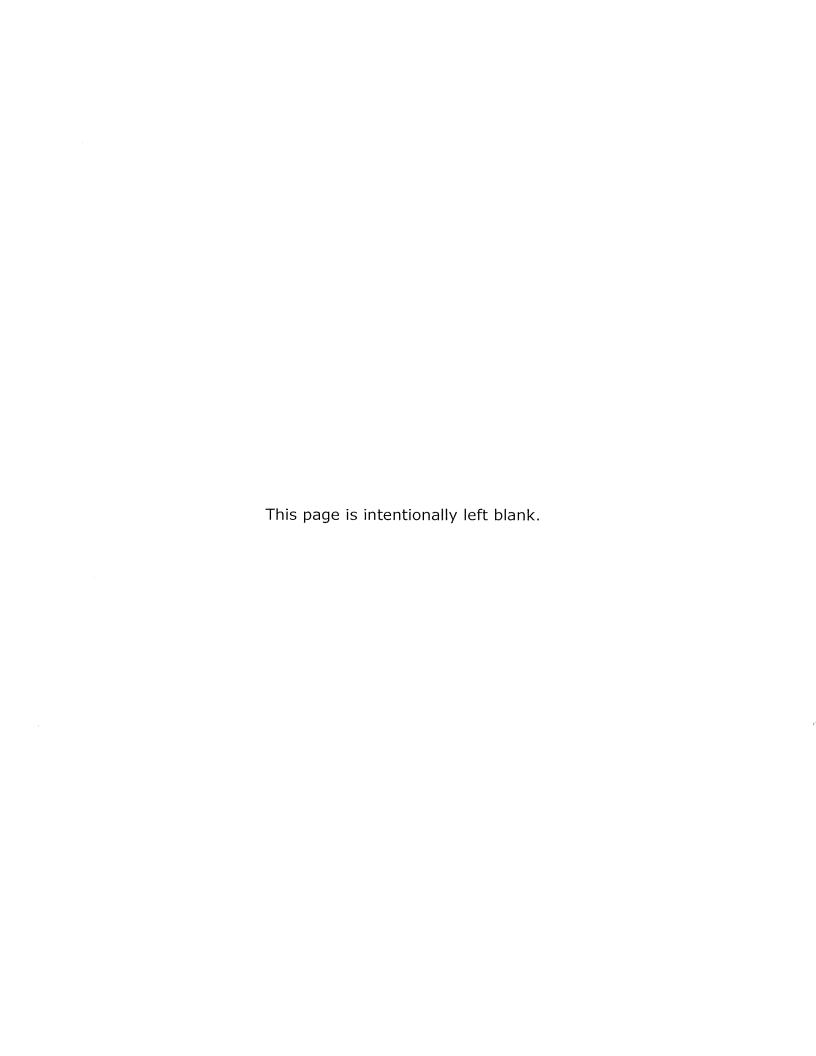
Prepared by:

JMB TRANSPORTATION ENGINEERING, INC.

761 21 STREET NW NAPLES, FLORIDA 34120 (239) 919-2767 CERTIFICATE OF AUTHORIZATION No. 27830

(PROJECT No. 121112)

BANKS, P.E.



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#### Purpose of Report

The following report has been prepared pursuant to the criteria set forth by the Traffic Impact Statement Guidelines as set forth by the Lee County Government for Comprehensive Plan Amendments. This report provides an in-depth evaluation of the potential transportation related impacts which may occur as a result of the proposed comp plan amendment for Hideaway Cove.

#### Part I

#### 5-year CIP Horizon Transportation Criteria

- 1. Short Range 5-year CIP horizon:
- a. identify the existing roadways serving the site and within a 3-mile radius (indicate language, 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 2030 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.
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
- 2. Evaluate the site's proposed access to ensure adequate capacity and LOS.
- 3. Prepare a report (i.e., Traffic Impact Statement) which will contain our findings and conclusions associated with completing Tasks 1 thru 5. The Traffic Impact Statement will be prepared pursuant to the criteria set forth by Lee County Government, as well as satisfy the Florida Department of Transportation's criteria for any driveway permit applications that may be required. 1.

#### Part I Applicant's Response

#### Conclusions

#### Road Impact Mitigation Requirements

Based upon the findings and conclusions of this report, it was determined that the proposed Hideaway Cove Comp Plan Amendment will not have a significant impact upon the surrounding road network or negatively affect Lee County's 5-year Horizon Transportation Network . It was verified that all roadways, within the project's area of impact, currently have a surplus of capacity and can accommodate the traffic associated with the development of the 96 single-family dwelling units and the network will continue to operate at acceptable levels of service for 2019/2020 traffic conditions.

Furthermore, the report concludes that the project will not create any transportation deficiencies that need to be mitigated.

#### Site-Related Roadway Improvements

Turn Lane - Based upon the site's ingress/egress configuration, turn lanes at the project's access are not necessary.

#### Concurrency Review

U.S. 41 is classified as a six-lane divided arterial having an adopted performance standard of level of service LOS E. A maximum service volume capacity of 2,980 vph for the 100<sup>th</sup> highest hour peak direction has been established for this road by the Lee County Concurrency Management Policy. As concluded, U.S. 41 will have a 2019/2020 project build-out traffic demand of 2,299 vphpd and a v/c ratio of 0.77. As such, this project will be consistent with the criteria of the Concurrency Management Policy.

#### Scope of Project

Hideaway Cove Comp Plan Amendment is a proposed residential community that will consist of no more than 96 single-family dwelling units at project completion. The site is approximately 32 acres in size and is located near the existing terminus of Pine Road in Lee County, Florida. The site will create access by extending Pine Road approximately one-sixth of a mile to its new terminus within the boundaries of Hideaway Cove. When complete, Pine Road will be approximately three-quarters of a mile in length.

TABLE A
Proposed Site Development

1 Toposcu Site 1	evelopment
	Proposed Build-out
Single-Family Dwelling Units	96 dwelling units

#### **Project Generated Traffic**

Traffic which can be expected to be generated by the project was estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 9<sup>th</sup> Edition. That is, historical traffic data collected at similar land uses was relied upon in estimating the project's traffic. In referencing the Trip Generation Manual, it was concluded that Land Use Code "Single-Family Detached Housing" (LUC 210) was the most appropriate use in order to estimate the project traffic.

Table 1 of this report provides a detail of the trip generation computations, which are summarize below in Table B.

# TABLE B Trip Computations Summary (Summation of Table 1)

	Total Daily Trips	Total AM Trips	Total PM Trips
	(ADT)	(vph)	(vph)
Single-Family LUC 210	1,012	77	101

The report finds that the project will generate less than 100 trip ends during the highest peak hour. As such, the Report investigated the traffic impacts associated with the project based upon the criteria set forth by the Lee County Traffic Impact Statement Guidelines for developments generating "Less Than 300 Trips".

#### **Existing + Committed Roadway Conditions**

U.S. 41 is classified as a six-lane divided arterial having an adopted performance standard of level of service LOS E. A maximum service volume capacity of 2,980 vph for the 100<sup>th</sup> highest hour peak direction has been established for this road by the Lee County Concurrency Management Policy. The posted speed limit along U.S. 41 is 45 MPH.

There are no funded 5-year CIP projects that are within 3 miles of the proposed project.

#### **Project Generated Traffic Distribution**

The project's traffic was distributed to the surrounding roadway network based upon logical means of ingress/egress, current and future traffic patterns in the area, and proximity of supporting land uses, such as business, retail and medical uses. Table 2A and Figure 2A provide a detail of the resultant traffic distributions based on a percentage basis and traffic volume.

#### Area of Significant Impact

The area of significant impact was determined based upon Lee County's 10% criteria (i.e., if the project's traffic is 10% or more of a roadway's adopted level of service LOS C capacity, then the project has a significant impact upon that link). Table 2A describes the project traffic distributions and the level of impact on the surrounding roadways. As shown, no roads will be impacted by 10% or greater than its adopted level of service. Therefore, U.S. 41 is the only road that is considered to be impacted by the project.

#### 2019/2020 Project Build-Out Conditions

In order to establish project build-out traffic conditions, the project traffic was added to the background traffic volumes that were established by the Lee County Concurrency Report for the road links under review. Table 2B provides a detail of the background traffic conditions and the background plus project traffic conditions. Traffic volumes are based upon the 100th highest hour peak direction demand for U.S. 41, as well as the road's level of service. As determined, U.S. 41 will continue to operate at acceptable levels of service at 2020 project build-out conditions.

#### Concurrency Review

U.S. 41 is classified as a six-lane divided arterial having an adopted performance standard of level of service LOS E. A maximum service volume capacity of 2,980 vph for the 100<sup>th</sup> highest hour peak direction has been established for this road by the Lee County Concurrency Management Policy. As concluded, U.S. 41 will have a 2019/2020 project build-out traffic demand of 2,299 vphpd and a v/c ratio of 0.77. As such, this project will be consistent with the criteria of the Concurrency Management Policy.

#### Part II

#### 20-year Horizon Transportation Criteria & Applicant's Response

#### Long Range – 20-year Horizon:

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;

Response: The Applicant and Lee County Planning Division have completed this task.

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.);

**Response:** If a modification to the socio-economic data forecasts for the host zone is warranted. Lee County Government will perform the modification to the socio-economic data forecasts for the host zone.

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;

Response: The information has been provided to LDOT staff.

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;

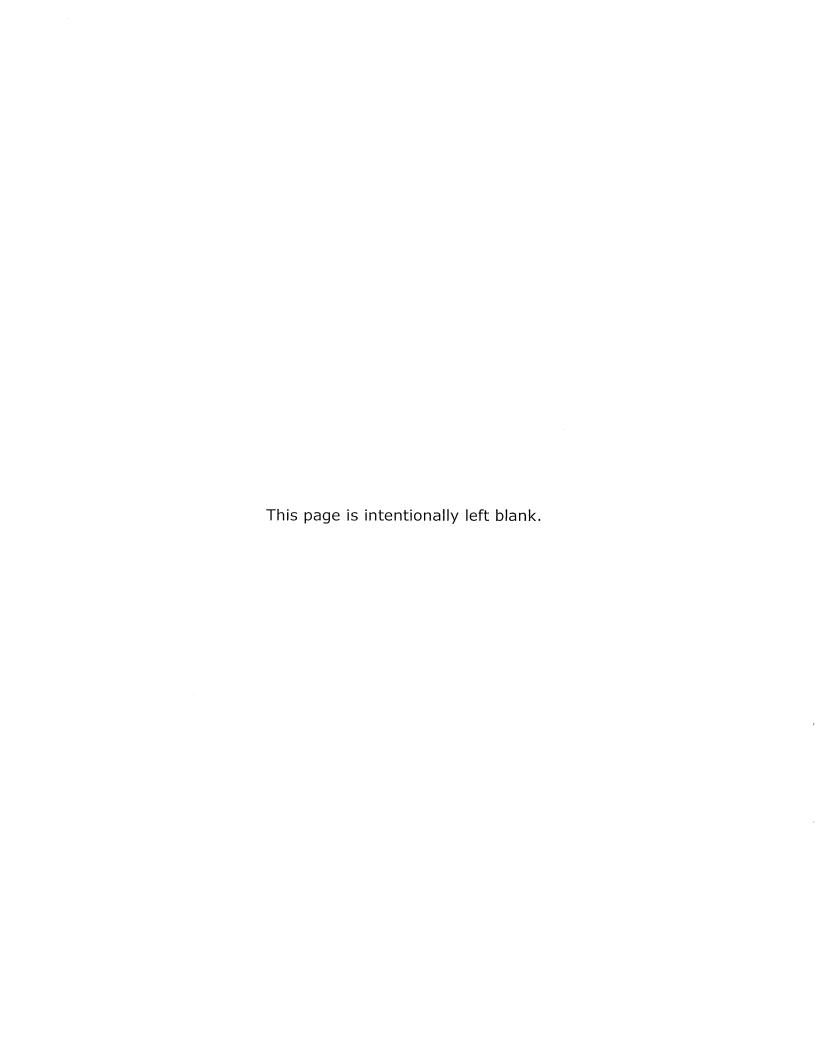
Response: The Applicant is awaiting results from LDOT.

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;

Response: The Applicant is awaiting results from LDOT.

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.

**Response:** The proposal will not affect the adopted Financially Feasible Plan and/or the Official Trafficways Map. As such, there are no accommodations that are indicated on the site plan.

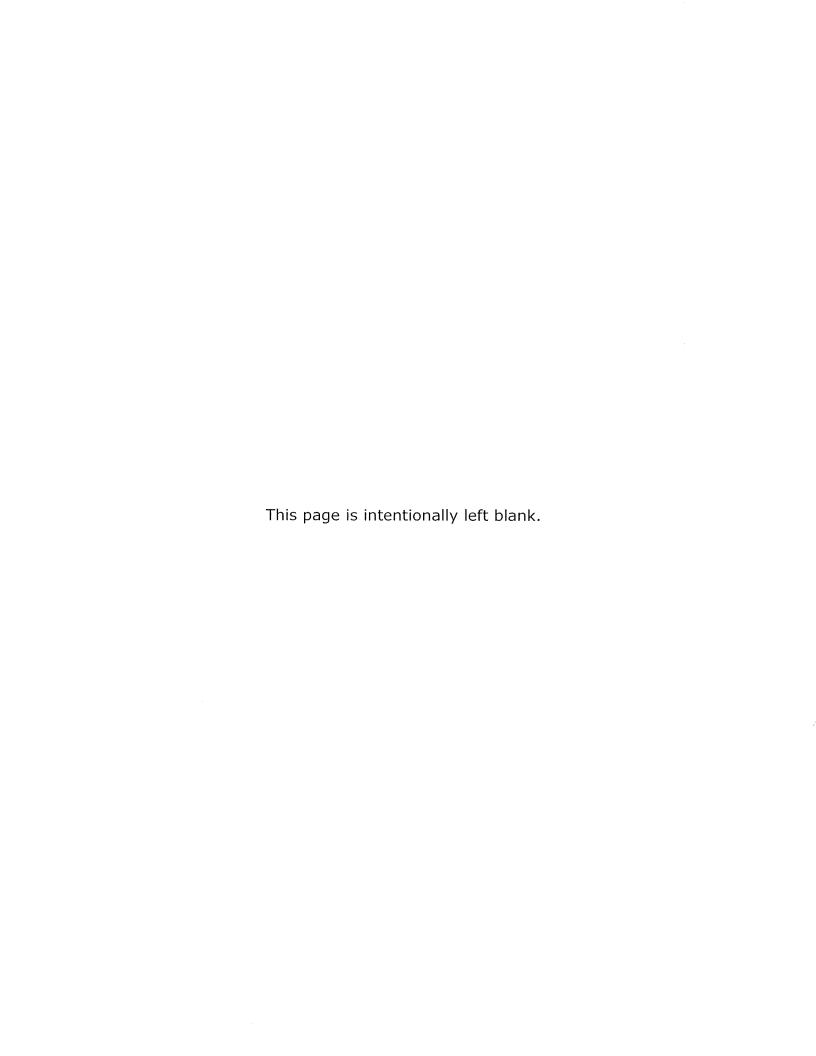


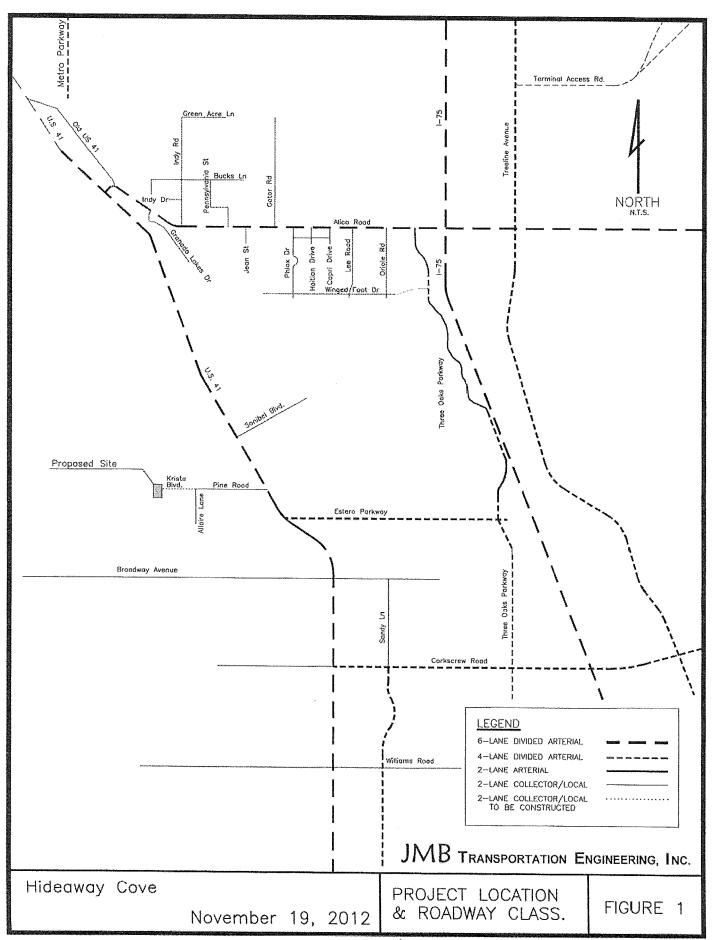
#### APPENDIX

FIGURE 1

TABLES 1 thru 2B

SUPPORT DOCUMENTS





# TABLE 1 TRIP GENERATION COMPUTATIONS HIDEAWAY COVE

Land Use <u>Code</u> <b>210</b>	Land Use Description Single-Family Detached Housing	<u>Build Schedule</u> 96 Units			
Land Use <u>Code</u> LUC 210	Trip Period Daily Traffic (ADT) =	Trip Generation Equation Ln(T) = 0.92Ln(X)+2.72 =	Total Trips 1012 ADT	Trips Enter/Exit	
	AM Peak Hour (vph) =	T = 0.70(X)+9.74 = 25% Enter/ 75% Exit =	77 vph	19 / 58 vp	oh
	PM Peak Hour (vph) =	Ln(T) = 0.90Ln(X)+0.51 = 63% Enter/ 37% Exit =	101 vph	64 / 37 vp	ρh

# TABLE 2A PROJECT'S AREA OF IMPACT

Project Tran	nc reak Direction (vpn) -	04						
		Dond		Project Traffic	LOS "C"	Project's	Cicnificant	Adopted Service Volume
		Road	Project Traffic	PK Direction	Service Volume	Percentage	Significant	Service volume
		<u>Class</u>	% Distribution	Volume (vph)	Pk Direction (vphpd)	<u>Impact</u>	<u>lmpact</u>	Pk Direction (vphpd)
U.S. 41	Corkscrew Rd. to Pine Rd.	6LD	30%	19	2580	0.74%	NO	2980
	Pine Road to Sanibel Blvd.	6LD	70%	45	2580	1.74%	NO	2980



# TABLE 2B ROADWAY LINK VOLUME & CAPACITY ANALYSIS

				2020	2020		2020	LOS E		2020
		2013	2013	Peak Hour	Peak Hour	Project	Build-Out	Service Vol.		Build-Out
		Peak Hour	Peak Hour	PK Direction	PK Direction	Peak Hour	Peak Hour	Peak Hour		Peak Hour
		PK Direction	PK Direction	Background	Background	PK Direction	PK Direction	PK Direction	V/C	PK Direction
		(vphpd)	<u>LOS</u>	(vphpd)	LOS	(vphpd)	(vphpd)	(vphpd)	Ratio	LOS
U.S. 41	Corkscrew Rd. to Pine Rd.	2083	C	2254	D	19	2273	2980	0.76	D
	Pine Rd. to Sanibel Blvd.	2083	C	2254	D	45	2299	2980	0.77	D



### INTERSECTION TURNING MOVEMENT COUNTS

Intersection Date of Cou		Pine Ro 11/13/2	oad @ U :012	.S. 41 Tuesda	ny								
1	l F	Eastboun	d	1 V	Vestbour	ref l	Nort	hbound		Sa	uthbou	nri l	Total All
AM Period	<u>F</u>	I	R	<u> </u>	I	R	L	I	,		I	<u>R</u>	Apprch's
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7:15 - 7:30	1 0	0	0	1 0	0	0 1	0	0	0 1	0	0	0	0
7:30 - 7:45	1 0	0	21	1 0	0	0 1	4	0	0 1	0	0	,	
7:45 - 8:00	1 0	0	15	1 0	0	0 1	•	0	0 1	-	-	8	33
	U   O	0		4 "			3		,	0	0	5	23
8:00 -8:15		_	29	0	0	0 1	3	0	0 [	0	0	4	36
8:15 -8:30	0	0	23	1 0	0	0 1	3	0	0 1	0	0	6	32
8:30 - 8:45	0	0	0	1 0	0	0 1	0	0	0	0	0	0	0
8:45 - 9:00	0	0	0	0	0	0	0	0	0 [	0	0	0	0
AM Totals	]   (	0 0	88	1		1	13	O	0 1	0	0	23	124
Approach %	0.0%	6 0.0%	100.0%	•		1	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	•
	0.0%	6 0.0%	71.0%	*			10.5%	0.0%	0.0%	0.0%	0.0%	18.5%	•
% / Inter.	•	71.0%		•	0.0%	*		10.5%			18.5%	, , , , , , ,	•
	1 1	Eastbour	ıd	1 \	Vestbour	nd I	Nori	hbound	i <b>i</b>	So	uthbou	nd	1
PM Period	F	1	R	i L	T	Ri	<u>L</u>		R i	<u>F</u>		<u>R</u>	ł
4:00 - 4:15	1 0	0	0	=	Ö	0 1	0	Ö	0 1	0	0	0 77	0
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5:00 - 5:15	1 0	0	16	1 0	0	0 1	6	0	0 1	0	0	13	l 35
5:15 -5:30	1 0	0	19	1 0	0	0 1	8	0	0 1	0	0	16	30   43
5:30 - 5:45	1 0	ő	16	1 0	0	0 1	7	0	0 1	0	0	19	43
5:45 - 6:00	1 0	0	0	1 0	0	0 1	0	0	0 1	0	0	0	1 42 1 0
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PM Totals	1	0 0	63	1 (	0 0	0	23	0	0 [	0	0	54	140
Approach %	1 0.0%	6 0.0%	100.0%	0		1	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	
% / Lane	0.09	6 0.0%	45.0%	0.09		0.0%	16.4%	0.0%	0.0%	0.0%	0.0%	38.6%	
% / Inter.		45.0%			0.0%			16.4%			38.6%		
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W 12th ST*	WILLIAMS AVE	JOEL BL	2LU	E	068	В	91	В	92	В	92		29300
W 14th ST*	SUNSHINE BL	RICHMOND AVE	2LU	E	860	В	47	В	48	В	48		29400
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US 41	BONITA BEACH RD	WEST TERRY ST	6LD	Ε	3,140	С	2,016	С	2,016	С	2,016		29600
US 41	WEST TERRY ST	OLD 41	6LD	E	3,140	С	1,821	С	1,821	С	1,821		29700
US 41	OLD 41	CORKSCREW RD	6LD	E	3,140	С	2,211	C	2,318	С	2,597		29800
US 41	CORKSCREW RD	SANIBEL BL	6LD	E	2,980	С	2,070	G	2,083	С	2,254	6 Ln under construction	29900
US 41	SANIBEL BL	ALICO RD	6LD	E	2,980	С	1,925	С	1,929	С	2,156		30000
US 41	ALICO RD	ISLAND PARK RD	6LD	Ε	2,980	C	2,799	С	2,800	F	2,981		30100
US 41	ISLAND PARK RD	JAMAICA BAY WEST	6LD	Ε	2,980	С	2,814	С	2,815	F	3,027		30200
US 41	JAMAICA BAY WEST	SIX MILE CYPRESS PKWY	6LD	E	2,980	P	3,266	F	3,280	F	3,280		30300
11C 41	SIX MILE CYPRESS PKWY	DANIELS PKWY	6LD	ε	2,740	Е	2,590	Ε	2,636	F	2,858		30400
US 41	DANIELS PKWY	COLLEGE PKWY	6LD	E	2,740	F	3,155	F	3,155	F	3,167	Constrained v/c=1.15	30500
US 41	COLLEGE PKWY	SOUTH RD	6LD	Ε	2,740	D	2,307	D	2,307	D	2,333	Constrained v/c=0.84	30600
US 41	SOUTH DR	BOY SCOUT RD	6LD	E	2,740	F	2,953	F	2,953	F	2,955	Constrained v/c=1.08	30700
US 41	BOY SCOUT DR	NORTH AIRPORT RD	6LD	Е	2,740	E	2,448	ε	2,448	E	2,448	Constrained v/c=0.89	30800
US 41	NORTH AIRPORT RD	COLONIAL BL	6LD	E	2,740	E	2,519	Ε	2,519	E	2,519		30810
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US 41	NORTH KEY DR	HANCOCK BRIDGE PKWY	4LD	E	2,280	F	2,358	F	2,358	F	2,391		31000
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US 41 I	PINE ISLAND RD (SR 78)	LITTLETON RD ,	4LD	E	2,040	В	1,093	В	1,093	В	1,180		31300
US 41 I	LITTLETON RD	BUSINESS 41	4LD	E	2,040	В	856	В	856	8	1,221		31400
JS 41	BUSINESS 41	DEL PRADO BL	4LD	E	2,040	В	1,191	В	1,207	В	1,221		31500
JS 41	DEL PRADO BL	CHARLOTTE COUNTY LINE	4LD	Е	2,040	В	1,191	В	1,193	В	1,283		31600

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#### PERMANENT COUNT STATION 23 US-41 (SR 45) N OF COLLIER CO LINE

2011 AADT = 32000

K100 Factor - 0.102

Monthly ADT as a % of Annual ADT

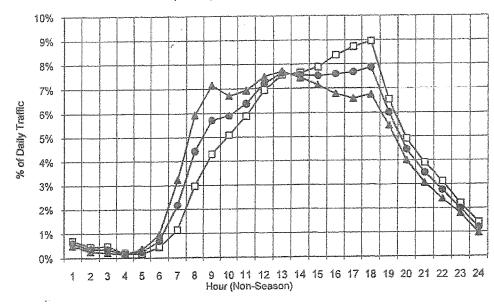
January	120%
February	131%
March	114%
April	114%
May	93%
June	85%
July	82%
August	76%
September	81%
October	90%
November	106%
December	106%

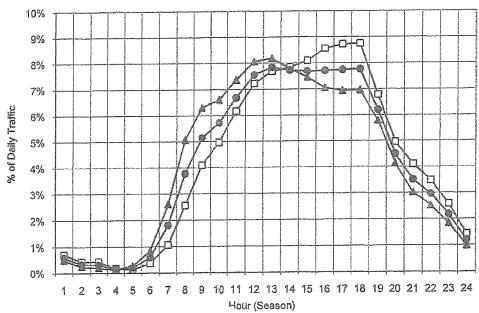
#### Day of Week as a % of Annual ADT

Monday	102%
Tuesday	108%
Wednesday	110%
Thursday	109%
Friday	113%
Saturday	89%
Sunday	70%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m 1) as a % of weekday traffic 2) directional Split (peak direction)	5.1% 64% Southbound	4.5% 63% Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.8%	7.8%
2) directional Split (peak direction)	57%	56%
	Northbound	Northbound

#### PERMANENT COUNT STATION 23 US-41 (SR 45) N OF COLLIER CO LINE





7000

### WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANT

28100 BONITA GRANDE DR. #305 BONITA SPRINGS, FL 34135 Pr 239-405-7777 Fr 239-405-7899

#### **EXHIBIT IV.B.2 – Infrastructure Analysis**

#### REVISED MAY 23, 2014

#### I. Sanitary Sewer

LOS Standard = 200 GPD/ERC

Existing Land Use – Sub-Outlying Suburban (Subject to Future Land Use Policy 1.1.11.1.a-b. 64 single family du @ 200 GPD = 12,800 GPD

<u>Proposed Land Use – Outlying Suburban</u> 92 single family du @ 200 GPD = 18,400 GPD

The proposed FLUM amendment results in an increased sanitary sewer demand of 5,600 GPD.

The Hideaway Cove ("Property") is located in the Lee County Utilities Franchise area and will be served by the Three Oaks Wastewater Treatment Plant (WWTP). The plan has a current capacity of 6.0 MGD. According to the 2013 Lee County Concurrency Report, the estimated 2014 daily flow in peak months is 3.4 MGD. Therefore, adequate capacity is available to service the proposed increase in density. Please also refer to the letter of availability provided by Lee County Utilities.

#### II. Potable Water

LOS Standard = 250 GPD/ERC

Existing Land Use — Sub-Outlying Suburban (Subject to Future Land Use Policy 1.1.11.1.a-b. 64 single family du @ 250 GPD = 16,000 GPD

Proposed Land Use – Outlying Suburban
92 single family du @ 250 GPD = 23,000 GPD

The proposed FLUM amendment results in an increased potable water demand of 7,000 GPD.

The Property is located in the Lee County Utilities Franchise area and would be served by the Pinewoods Water Treatment Plant (WTP). The plant has a current capacity of 5.3 MGD. According to the 2013 Lee County Concurrency Report, the projected 2014 daily flow in peaks months is 4,115,250 GPD. Therefore, adequate capacity is available to service the proposed increase in density. Please also refer to the letter of availability provided by Lee County Utilities.

#### III. Surface Water Management

The Property is located within the Estero Bay Watershed and Drainage Basin.

LOS Standard = 25 year, 3-day storm event of 24 hours duration.

The Applicant will obtain an Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) prior to Development Order approval to be deemed concurrent.

#### IV. Public Schools – South Zone, S2

Current Public Schools LOS Standard = 100% of the Permanent Inventory of Public Schools (FISH) capacity.

Existing Land Use – Sub-Outlying Suburban (Subject to Future Land Use Policy 1.1.11.1.a-b. 64 single family du @ 0.299 students per household = 19 students

#### Proposed Land Use – Outlying Suburban

92 single family du @ 0.299 students per household = 27.5 students

Elementary Schools (Rayma Page, San Carlos, Three Oaks)
Projected 2013-2014 Permanent FISH Capacity = 2,523
Available Capacity = 25

Middle Schools (Lexington, Three Oaks)
Projected 2013-2014 Permanent FISH Capacity = 2,020
Available Capacity = 187

High Schools (South Fort Myers)
Projected 2013-14 Permanent FISH Capacity = 1,973
Available Capacity = 191

The amendment results in the addition of 8.5 students. No breakdown is available for elementary, middle or high school ages. There is adequate capacity based on the 2013-2014 projections. Please also refer to the letter of availability provided by The Lee County School District.

#### V. Parks, Recreation and Open Space

Current Regional Parks LOS Standard = 6 acres per 1,000 seasonal population Current Community Parks LOS Standard = 0.8 acres per 1,000 permanent population

Existing Land Use – Sub-Outlying Suburban (Subject to Future Land Use Policy 1.1.11.1.a-b. 64 single family du @ 2.5 persons/unit = 160 persons

Regional Parks @ 6 acres/1,000 = 1.35 acres required Community Parks @ 0.8 acres/1,000 = 0.18 acres required

<u>Proposed Land Use – Outlying Suburban</u> 92 single family du @ 2.5 persons/unit = 230 persons

Regional Parks @ 6 acres/1,000 = 138 acres required Community Parks @ 0.8 acres/1,000 = .184 acres required

The Property is located in the Community Park Benefit District 48, Estero/San Carlos/Three Oaks. According to the 2013 Concurrency Report, there are 132 acres of Community Park within the district, which far exceeds the acres required. Additionally, the report specifies that the desired acreage of parks will be met through 2018. No additional Community Parks are required as a result of this amendment.

There are currently 7,220 acres of existing Regional Parks currently operated by the County, City, State and Federal government. This acreage is sufficient to meet the "Regulatory Level of Service Standard" of six (6) acres per 1,000 total seasonal population in the County for the year 2013, and will continue to do so at least through the year 2018 as currently projected. As such, no additional Regional Parks are required as a result of this amendment. Please also refer to the letter of availability provided by the Lee County Parks & Recreation Department.

#### VI. Solid Waste –Waste to Energy (WTE) Facility

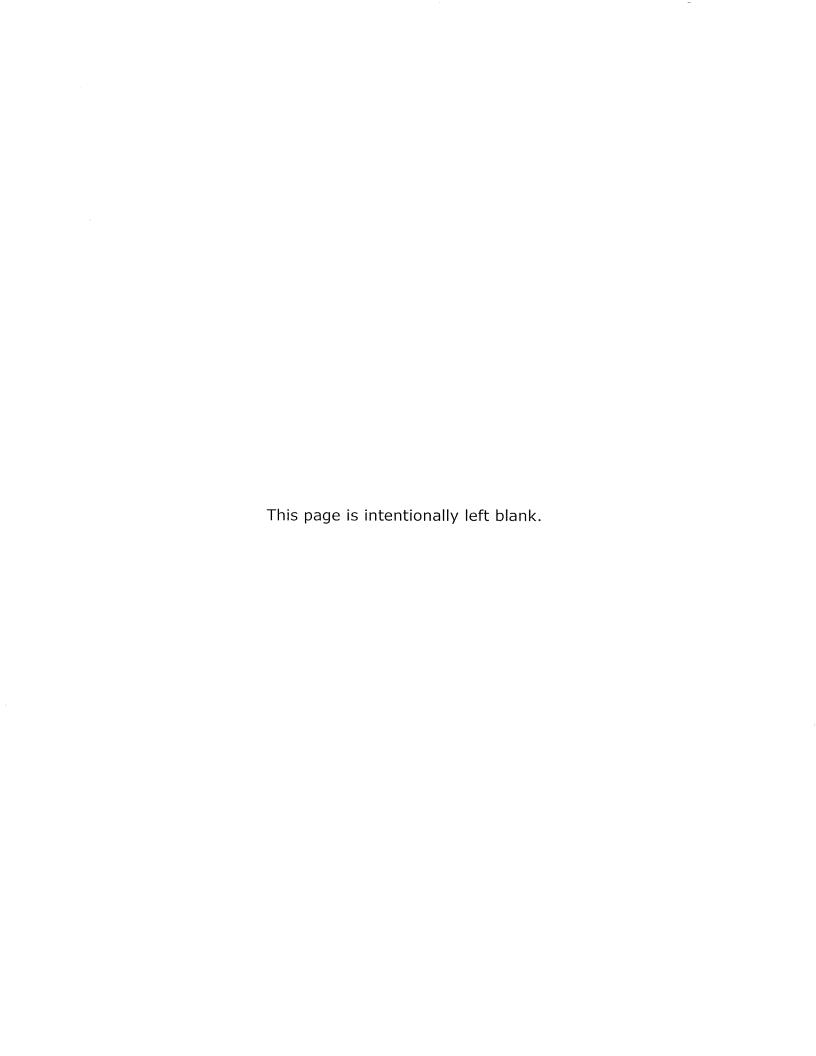
Current LOS Standard = 7 lbs./day/capita

Current Facility Capacity = 1,836 tons/day (3,672,000 lbs./day)

Existing Land Use – Sub-Outlying Suburban (Subject to Future Land Use Policy 1.1.11.1.a-b. 64 single family du @ 2.5 persons/unit = 160 persons 160 persons @ 7 lbs./day = 1,120 lbs./day (0.56 tons/day)

Proposed Land Use – Outlying Suburban
92 single family du @ 2.5 persons/unit = 230 persons
230 persons @ 7 lbs./day = 1,610 lbs./day (0.81 tons/day)

The amendment results in an increased solid waste generation of 490 lbs./day (0.25 tons/day), and there is adequate capacity to service the proposed density increase. Please also refer to the letter of availability provided by the Lee County Solid Waste Division.





# San Carlos Park Fire Protection and Rescue Service District

Emergency **911**Office **239.267.7525**Fax **239.267.7505** 

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

January 27, 2014

Waldrop Engineering 28100 Bonita Grande Dr. # 305 Bonita Springs, FL 34135

Re: Hideaway Cove

To whom it may concern,

Thank you for this opportunity to inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department with a Property Protection Class (PPC) of 3/9. The district consists of a 52 square mile area with 3 stations staffed 24/7 with 45 full time firefighters, which also provide non-transport Advanced Life Support (ALS) services, and supported by an administrative staff.

The property's in question, Hideaway Cove, Ft. Myers, FL. are within the jurisdiction of the San Carlos Park Fire District, and is located approximately 2.1 miles from our station 53 located at 19591 Ben Hill Griffin Pkwy. With a response time of less than 3 minutes.

We are able to provide fire suppression and emergency medical services to the proposed development, as well as fire prevention, and public education services. If you require additional information, please do not hesitate to contact my office at (239) 267.7525. Trusting this meets with your approval, I remain,

engling on the green of the company of the section of the properties of the section of the secti

Yours in Service

David Cambareri,

Fire Chief





### State of Florida County of Lee

May 20, 2014

Alexis V. Crespo Waldrop Engineering, P.A. 28100 Bonita Grande Dr. #305 Bonita Springs, FL 34135

Reference to Project: Hideaway Cove - Comprehensive Plan Amendment

Ms. Crespo,

The proposed Comprehensive Plan Amendment for Hideaway Cove, a 32 +/-acre property at the western terminus of Pine Road in Estero, Fla., would not affect the ability of the Lee County Sheriff's Office to provide core levels of service at this time.

We recognize that the proposal to amend the property's Future Land Use Designation from "Sub-Outlying Suburban" to "Outlying Suburban" will allow for the development of an in-fill, single-family community of no more than 92 dwelling units and an estimated population of 230.

Law enforcement services will be provided from our South District office in Bonita Springs. At the time of application for a development order, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comments.

Please address further correspondence to me at the address listed below, and contact Crime Prevention Practitioner Trisha Bissler at 477-1801 should you have any CPTED questions.

Respectfully,

Stan Nelson

Director, Planning and Research Lee County Sheriff's Office 14750 Six Mile Cypress Parkway

Stun Nelson

Fort Myers, FL 33912





John E. Manning District One January 31, 2014

Cecil L Pendergrass District Two Alexis Crespo

Larry Kiker District Three Waldrop Engineering, P.A. 28100 Bonita Grande Dr. #305 Bonita Springs, FL 34135

Brian Hamman District Four

Frank Mann

Re: Letter of Service Availability

District Five
Roger Desjarlais

Mc Creeno

County Manager

Richard Wm. Wesch
County Altorney

Ms. Crespo,

Donna Marie Collins Hearing Examiner I am in receipt of your letter dated January 22, 2014, requesting a Letter of Service Availability for the development of property at the end of Pine Road in Estero.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 9, located 2.5 miles north; there are two other locations within 5 miles of the proposed development. All three of these locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, specifically the density, a new analysis of this impact would be required.

If you have any questions, please contact me at (239) 533-3961.

Sincerely,

Bemamin Abes

Deputy Chief, Operations

Division of Emergency Medical Services



Writer's Direct Dial Number: (239) 533-8532

John E. Manning District One

Cecil L Pendergrass
District Two

Larry Kiker District Three

Brian Hamman District Four

Frank Marın District Five

Roger Desjarlais County Manager

Richard Wm. Wesch , County Attorney

Donna Marie Collins Hearing Examiner February 11, 2014

Alexis Crespo Waldrop Engineering 28100 Bonita Grande Drive Bonita Springs, FL 34135

RE:

Potable Water and Wastewater Availability

HIDEAWAY COVE

STRAP #20-46-25-01-00009.1020

Dear Ms. Crespo:

The subject is located within Lee County Utilities Future Service Area as depicted on Maps 6 and/or 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 24,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Prior to beginning design work on this project, please schedule a meeting with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

This letter is not a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of Water and Wastewater service to be utilized for request for general purposes for this project <u>Only</u>. Individual letters of availability will be required to obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic Technician Senior

UTILITIES ENGINEERING

VIA EMAIL
Original Mailed

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111 Internet address http://www.lee-county.com AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



# LEE COUNTY UTILITIES REQUEST FOR LETTERS OF AVAILABILITY

**DATE: FEBRUARY 10, 2014** 

To: Mary McCormic	FROM: ALEXIS CRESPO	
Utilities' Senior Engineering Technician	FIRM: WALDROP ENGINEERING	
	Address: 28100 Bonita Grande Dr.	
	Address: Bonita Springs, FL 34135 -	
	PHONE#: (239)405-7777 FAX: (239)405-7988	
	E-Mail Address: Alexisc@Waldropengineering.Com	
PROJECT NAME: HIDEAWAY COVE		
PROJECT ID (IF APPLICABLE): N/A		
	1020	
STRAP #: 20-46-25-01-00009.1020		
LOCATION/SITE ADDRESS: THE TERMINUS O	F PINE ROAD, 0.7+/- WEST OF S. TAMIAMI TRAIL	
PURPOSE OF LETTER:		
DEVELOPMENT ORDER SUBMITTAL FINANCING EFFLUENT REUSE		
PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)		
OTHER: (PLEASE SPECIFY) COMPREHENSIVE PLAN AMENDMENT		
PLANNED USE:		
☐ COMMERCIAL ☐ INDUSTRIAL ☐	RESIDENTIAL - ( $\boxtimes$ SINGLE-FAMILY $\square$ MULTI-FAMILY)	
OTHER: (PLEASE SPECIFY)		
PLANNED # OF UNITS/BUILDINGS: 96 SF UNITS		
Total Square Footage (Commercial/Industrial) $\underline{0}$		
AVERAGE ESTIMATED DAILY FLOW (GPD): $24,000~\mathrm{GPD}~~(igotimes \mathrm{Waste-water}~igodimes \mathrm{Reuse})$		
PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA		
SET FORTH IN LEE COUNTY UTILITIES OPERATIONS MANUAL, SECTION 5.2:		
100 Gpd X 96 Sf Units X 2.5 Persons Per Unit = 24,000 Gpd		

Please e-mail the completed form at <a href="mailto:mccormmm@leegov.com">mccormmm@leegov.com</a>. If you are unable to e-mail the completed form, please fax to (239) 485-8311. If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.

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John E. Manning District One

January 27, 2014

Cecil L Pendergrass

District Two

Larry Kiker District Three

Brian Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wm. Wesch County Attorney

Donna Marie Collins Hearing Examiner

Ms. Alexis V. Crespo, AICP, LEED AP Waldrop Engineering 28100 Bonita Grande Dr. Unit No. 305 Bonita Springs, FL 34135

SUBJECT:

Hideaway Cove - Letter of Availability

Dear Ms. Crespo:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the planned 96 residential units proposed for Hideaway Cove Residential Planned Development located at the western terminus of Pine Road in Estero through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Additionally, please review the Solid Waste Ordinance (11-27, Section 7) which defines those residential dwelling units that are eligible to receive curbside residential collection service. If you have any questions, please call me at (239) 533-8000.

Sincerely,

**Brigitte Kantor** 

**Operations Manager** 

Brigitte Kounter

Solid Waste Division

Cc: Dave Helmick, Environmental Specialist Sr.



John E. Manning District One

Cecil Pendergrass District Two

Larry Kiker District Three

Mike Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wm. Wesch County Attorney

Donna Marie Collins County Hearing Examiner January 24, 2014

Miss Alexis Crespo Waldrop Engineering 28100 Bonita Grande Drive - #305 Bonita Springs, FL 34135

#### RE: Letter of Parks Service Availability for Hideaway Cove Comprehensive Plan Amendment

Dear Miss Crespo:

As you may or may not be aware of, state concurrency requirements for parks and recreation facilities underwent significant changes back in 2011. Specifically, Florida Statutes were amended so that local governments are no longer required to maintain concurrency for these facilities. In light of these changes, we do not have the authority to deny your request to amend the Future Land Use Designation for Hideaway Cove based on parks service availability. While the Lee Plan does not yet reflect these changes, revisions that are consistent with these statutes are pending.

For informational purposes, please find attached some applicable pages from the 2013 Lee County Concurrency Report. The subject property is located in the Estero/San Carlos/Three Oaks Community Park Impact Fee Benefit District (#48).

Please feel free to contact me directly at (239) 533-7446 if you have further questions.

Sincerely,

Jason Lamey

Jason Ramey

Planner

Lee County Parks & Recreation 3410 Palm Beach Boulevard Fort Myers, FL 33916



# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW,LEESCHOOLS,NET

DAWN HUFF LONG RANGE PLANNER 239-337-8142 DAWNMHU@LEESCHOOLS.NET THOMAS SCOTT
CHAIRMAN, DISTRICT 5

CATHLEEN O'DANIEL MORGAN
VICE CHAIRMAN, DISTRICT 3

MARY FISCHER
DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

DON H. ARMSTRONG
DISTRICT 4

NANCY J. GRAHAM, ED.D

SUPERINTENDENT

KEITH B. MARTIN, ESQ. BOARD ATTORNEY

January 29, 2014

Alexis Crespo, AICP, LEED AP 28100 Bonita Grande Dr # 305 Bonita Springs, FL 34135

RE: Hideaway Cove CPA

Dear Ms. Crespo:

This letter is in response to your request dated January 22, 2014 for the Hideaway Cove for sufficiency comments in reference to the educational impact. This proposed development is located in the South Choice Zone, Sub Zone S-1.

The request states there is a possibility of 96 single-family dwellings. With regard to the inter-local agreement for school concurrency, the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family the generation rate is .292 with the following break-down, .146 for elementary, .070 for middle and .076 for high. A total of 28 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. Currently within the School District there are sufficient seats available to serve this need.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 337-8142.

Sincerely,

Dawn Huff, Long Range Planner

Planning Department

# LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY

Lee School District

NAME/CASE NUMBER

Hideaway Cove CPA

OWNER/AGENT

Taylor Morrison of Florida Inc.

ITEM DESCRIPTION

All impacts in South CSA, sub area S1

LOCATION

West of Tamiami Trl, North of Estero Pkwy

**ACRES** 

32 acres

CURRENT FLU

Sub-Outlying Suburban (SOS)

**CURRENT ZONING** 

Residential Planned Development (RPD)

PROPOSED DWELLING UNITS BY

TYPE

Single Family	Multi Family	Mobile Home
96	0	0

STUDENT GENERATION Elementary School Middle School High School

	Student G	eneration Rates	
			Projected
SF	MF	MH	Students
0.146			14,02
0.07			6.72
0.076			7.30

Source: Lee County School District, January 29, 2014 letter

CSA SCHOOL NAME 2017/18 South CSA, Elementary South CSA, Middle South CSA, High

CSA Capacity (1)	•		Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH	Adjacent CSA Available Capacity w/Impact
12,229	11,185	1,044	14	1030	92%	
5,621	5,156	465	7	458	92%	
8,021	8,294	-273	. 7	-280	103%	

<sup>(1)</sup> Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

Prepared by:

Dawn Huff, Long Range Planner

<sup>(2)</sup> Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

<sup>(3)</sup> Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual



6035 Landing View Road Fort Myers, FL 33907 Phone: 239-533-0319 Fax: 239-931-6804

John E. Manning Olstrict One

Cecil L Pendergrass District Two

Larry Kiker District Thron

Báon Hamaan Distáct Fore

Frank Maon District Five

Reger Desjartas County Manager

Richard Wm Wesch County Allorney

Oomia Mane Collins Hearing Examiner February 21, 2014

Alexis V. Crespo, AICP, LEED AP Principal Planner Waldrop Engineering, P.A. 28100 Bonita Grande Dr #305 Bonita Springs, FL 34135

RE: Hideaway Cove – Comprehensive Plan Amendment Letter of Service Availability

Dear Ms. Crespo,

LeeTran has reviewed your request for services availability concerning the Hideaway Cove development project.

LeeTran currently has no fixed-route transit service going down Pine Road from US 41 to Hideaway Cove. According to LeeTran's Transit Development Plan, there are no plans for service expansion in this area.

Currently, the nearest LeeTran fixed-route transit service is located about ¾ mile from the proposed entrance of the project along US 41. This is Rt. 240, a north-south connection going from Bell Tower down to Coconut Point.

If you have any questions or require further information, please feel free to contact me at (239) 533-0319 or at ABielawska@leegov.com.

Sincerely.

Anna Bielawska

Planner

Lee County Transit

4 Mar Krelingsbor

# Hideaway Cove Protected Species Assessment

Section 20, Township 46 South, Range 25 East Lee County, Florida

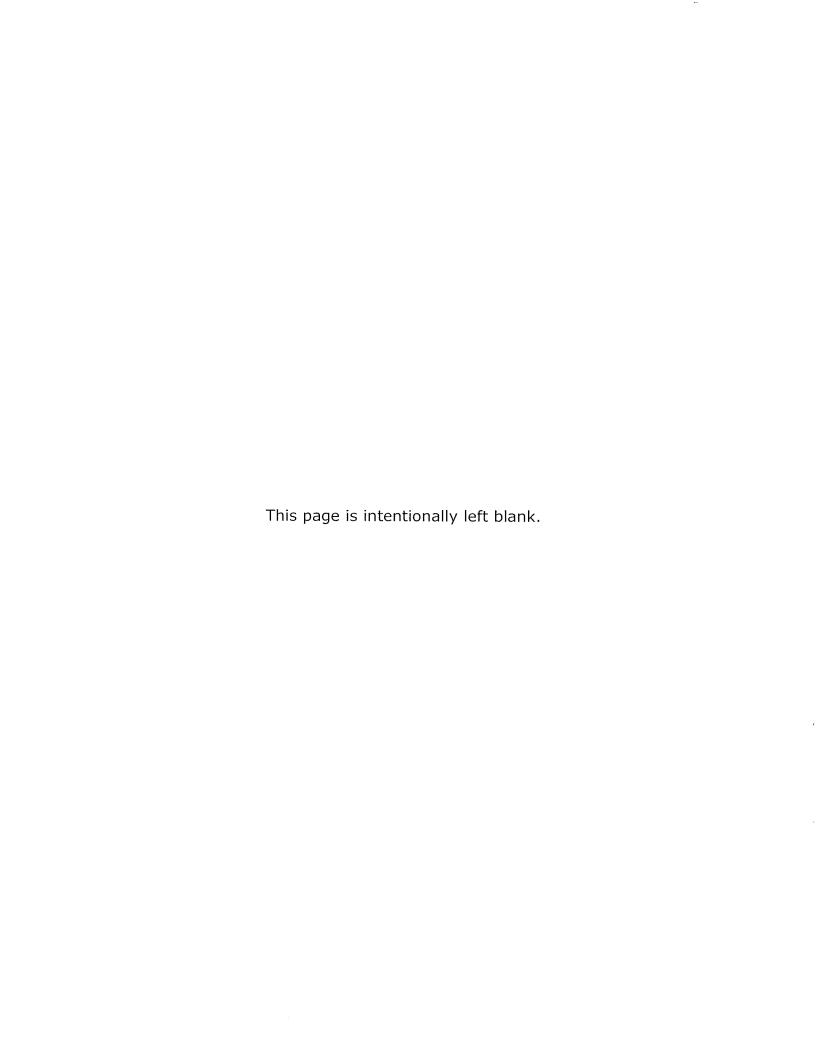
**June 2012** (revised May 2014)

Prepared for:

Taylor Morrison of Florida, Inc. 501 North Cattleman Road, Suite 101 Sarasota, FL 34232

Prepared by:

W. Dexter Bender & Associates, Inc. 4470 Camino Real Way, Suite 101 Fort Myers, FL 33966 (239) 334-3680



#### INTRODUCTION

The 32± acre parcel is located within a portion of Section 20, Township 46 South, Range 25 East, Lee County, Florida. The lands to the north, east, and south of the site consist of privately owned undeveloped and partially cleared property. Lands that are part of the publically owned Estero Bay Buffer Preserve are located to the west and southeast.

#### SITE CONDITIONS

The majority of the site consists of upland pine flatwoods with varying densities of exotics. Four melaleuca dominated wetlands are also present. Portions of the site appear to have been burned in the past few years.

#### **VEGETATIVE CLASSIFICATIONS**

The predominant upland and wetland vegetation associations were mapped in the field on 2012 digital color 1" = 200' scale aerial photography. Six vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is provided below.

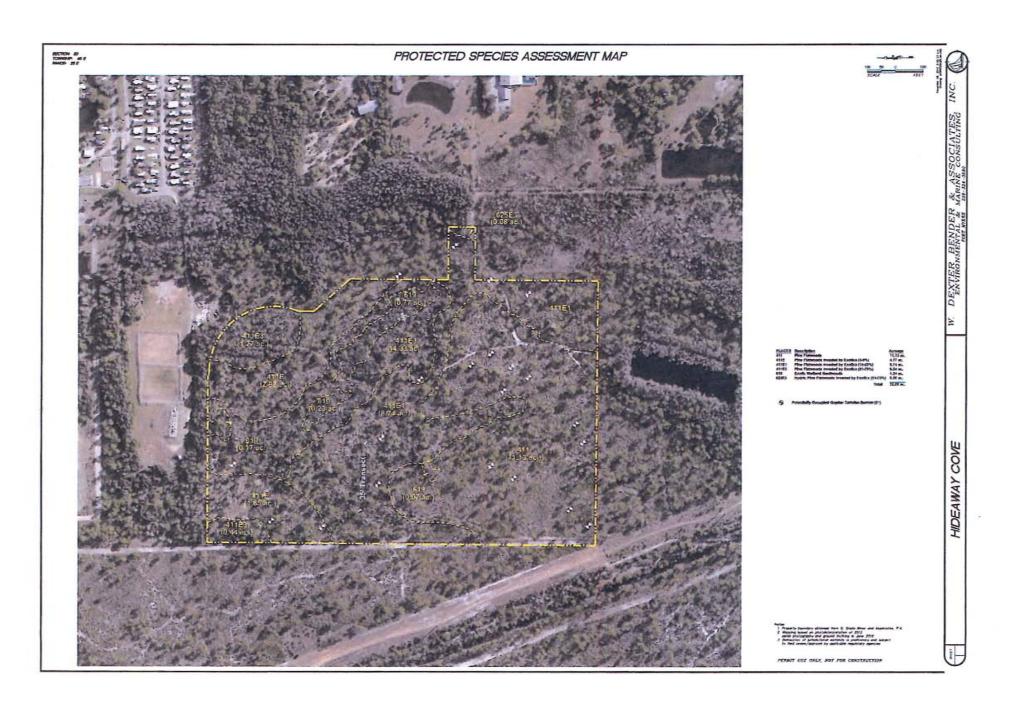
Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
411	Pine Flatwoods	11.13
411E	Pine Flatwoods Invaded by Exotics (5 – 9%)	4.77
411E1	Pine Flatwoods Invaded by Exotics (10 – 25%)	8.74
411E3	Pine Flatwoods Invaded by Exotics (51 – 75%)	6.04
*619	Exotic Wetland Hardwoods	1.24
*625E3	Hydric Pine Flatwoods Invaded by Exotics (51 – 75%)	0.08
	Upland Subtotal	30.68
	Wetland Subtotal	1.32
	Total	32.00

#### FLUCCS Code 411, Pine Flatwoods

The southwest portion of the site consists of upland pine flatwoods. This area has an open canopy of slash pine (*Pinus elliottii*). The midstory is also open and consists of shrubs such as tarflower (*Befaria racemosa*), stagger bush (*Lyonia* sp.), wax myrtle (*Myrica cerifera*), and gallberry (*Ilex glabra*). Low growing saw palmetto (*Serenoa repens*) is the dominant ground cover species. Additional species such as penny royal (*Piloblephis rigida*), hatpin (*Eriocaulon* sp.), threeawn grass (*Aristida* sp.), pawpaw (*Asimina* sp.), St. John's wort (*Hypericum* sp.), muhly grass (*Muhlenbergia* sp.), and





running oak (*Quercus pumila*) are also present in the numerous open areas between the saw palmetto clumps. A search of historical aerials revealed that the parcel has been logged in the past and appears to have been burned in the past few years. There are no large pine trees present. This pine flatwood cannot be categorized as "mature" and does not meet the criteria for Rare and Unique uplands.

## FLUCCS Code 411E, Pine Flatwoods Invaded by Exotics (5 – 9%)

Several areas of upland pine flatwoods in the northern portion of the site contain widely scattered exotics; primarily melaleuca (*Melaleuca quinquenervia*) and downy rosemyrtle (*Rhodomyrtus tomentosa*). Other than these exotics, the vegetation is very similar to the pine flatwoods described above.

# FLUCCS Code 411E1, Pine Flatwoods Invaded by Exotics (10 – 25%)

A significant portion of the uplands have been colonized by slightly higher density of melaleuca and downy rose-myrtle. In these areas the saw palmetto tends to be somewhat taller with less open spaces between the clumps.

## FLUCCS Code 411E3, Pine Flatwoods Invaded by Exotics (51 – 75%)

The upland pine flatwoods that are adjacent to the wetlands on-site have the greatest density of exotics. In these areas the dense growth of melaleuca has substantial reduced the density and diversity of native plants in all strata.

#### FLUCCS Code 619, Exotic Wetland Hardwoods

Four melaleuca dominated wetlands are present on the property. In these areas the ground cover is typically sparse and consists of species such as bushy bluestem (Andropogon glomeratus), redroot (Lachnanthes caroliniana), yellow-eyed grass (Xyris sp.), and little blue maidencane (Amphicarpum muhlenbergianum). While no standing water was present at the time of our site inspection, based on the adventitious roots on the melaleuca it appears that these depressional areas are inundated by two to five inches of water during the summer wet season.

# FLUCCS Code 625E3, Hydric Pine Flatwoods Invaded by Exotics (51 – 75%)

A small area of hydric pine flatwoods that has been invaded by exotics is present in the eastern portion of the property. Slash pine and melaleuca dominate the canopy. The mid story contains cabbage palm (Sabal palmetto), Brazilian pepper (Schinus terebinthifolius), saltbush (Baccharis halimifolia), and myrsine (Rapanea punctata). Species present within the ground cover include swamp fern (Blechnum serrulatum) and saw-grass (Cladium jamaicense). This wetland community extends off-site to the east.

#### **SURVEY METHOD**

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the

occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 35 feet apart. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. The 1" = 200' scale aerial Protected Species Assessment Map (Figure 1) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the morning and mid-day hours of June 5, 2012. During the survey the weather was warm, humid and overcast.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the 32± acre property, and is provided for general informational purposes only.

Prior to conducting the protected species survey, a search of the FWC listed species database (updated in June 2012) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	S That Could Potentially Occur On-site  Species Name	Present	Absent
411	80	Gopher Frog (Rana areolata)		\ \ \
411E	80	Eastern Indigo Snake (Drymarchon corais		√
411E1	80	couperi)		
411E3	80	Gopher Tortoise (Gopherus polyphemus)	√ √	
		Red-cockaded Woodpecker (Picoides		√ √
		borealis)		
		Southeastern American Kestrel (Falco		√
		sparverius paulus)		,
		Big Cypress Fox Squirrel (Sciurus niger avicennia)		1
		Florida Black Bear ( <i>Ursus americanus</i>		√
		floridanus)	No.	4
		Florida Panther (Felis concolor coryi)	To the second se	√ √
		Beautiful Pawpaw (Deeringothamnus	Palata	Ì
		pulchellus)	And the second s	
		Fakahatchee Burmannia (Burmannia flava)		√
		Florida Coontie (Zamia floridana)		√
		Satinleaf (Chrysophyllum olivaeforme)		1
619	80	None		
625E3	80	Gopher Frog (Rana areolata)		1
		Eastern Indigo Snake ( <i>Drymarchon corais</i> couperi)		√
		Arctic Peregrine Falcon (Falco peregrinus tundrius)		√
		Little Blue Heron (Egretta caerulea)		√
		Red-cockaded Woodpecker (Picoides		V
		borealis)		-
		Snowy Egret (Egretta thula)		√ √
		Tricolored Heron (Egretta tricolor)		√
		Big Cypress Fox Squirrel (Sciurus niger		$\checkmark$
		_avicennia)		1
		Everglades Mink (Mustela vison		√
		evergladensis)		i
		Florida Black Bear ( <i>Ursus americanus</i>		√
		floridanus) Florida Panther (Felis concolor coryi)		ما
	<u></u>	Trionda Familier (Felis Collection Cory)	l	V

## **SURVEY RESULTS**

A total of 21 potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows were observed within the property. Gopher tortoises are listed as threatened by the FWC but not listed by the FWS. Based on the 80 percent survey coverage, it is estimated that 26± gopher tortoise burrows are present on-site. The FWC standard burrow occupancy correction factor is 0.5 gopher tortoise per burrow which equates to 13± gopher tortoises.

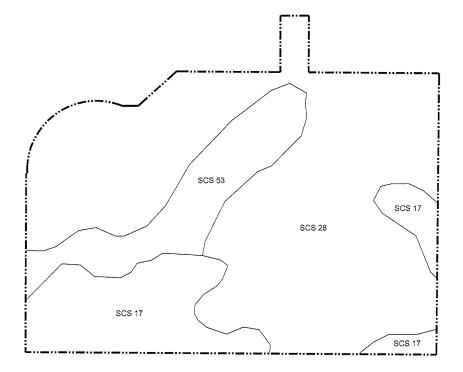
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HIDEAWAY COVE



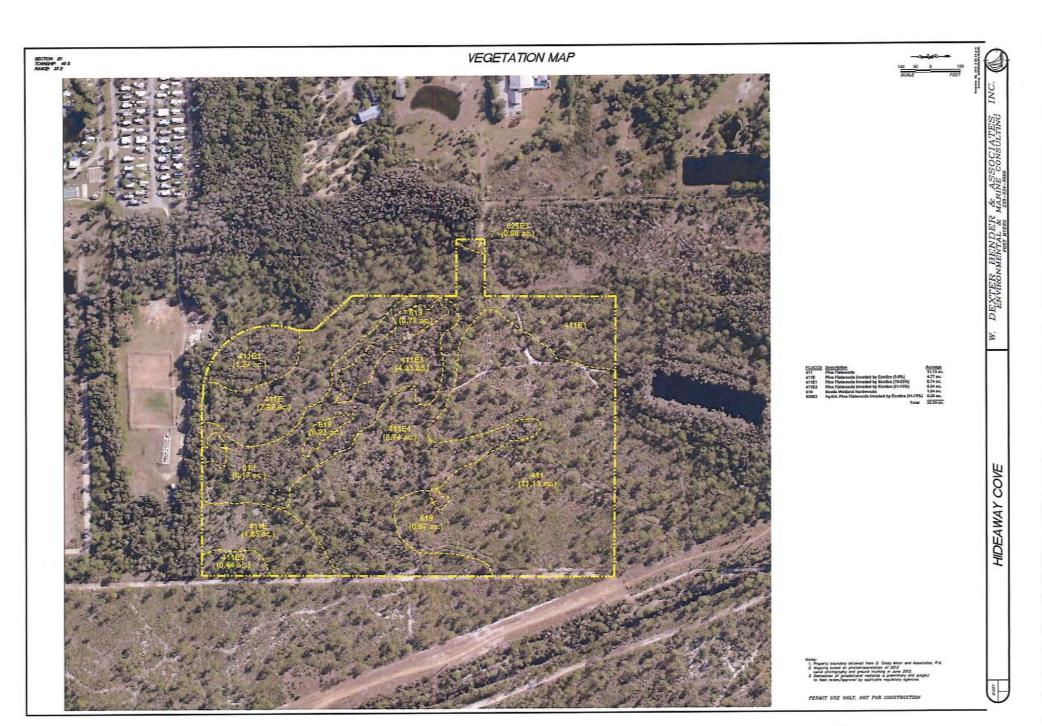
Soil Legend
SCS 17 - Daytona sand
SCS 28 - Immokalee sand
SCS 53 - Myakka fine sand, depressional

Notes:

1. Property boundary obtained from O. Crady Whar and Associates, P.A.

2. See mapping obtained from the Florida Geographic Data Library.

PERMIT USE ONLY, NOT FOR CONSTRUCTION





This record search is for informational purposes only and does  $\underline{NOT}$  constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does  $\underline{NOT}$  provide project approval from the Division of Historical

Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

February 10, 2014

Alexis V. Crespo, AICP, LEED AP Principal Planner Waldrop Engineering

Direct: E: <u>alexisc@waldropengineering.com</u> Office: P: (239) 405-7777 | F: (239) 405-7899

www.waldropengineering.com

In response to your inquiry of February 7, 2014 the Florida Master Site File lists two standing structures (LL 1797A and B) and one resource group found in the following parcel of Lee County:

#### Township 46S Range 25E Section 20 submitted with the search request

When interpreting the results of our search, please consider the following information:

- This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.
- Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.
- While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.
- Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.

Please do not hesitate to contact us if you have any questions regarding the results of this search.

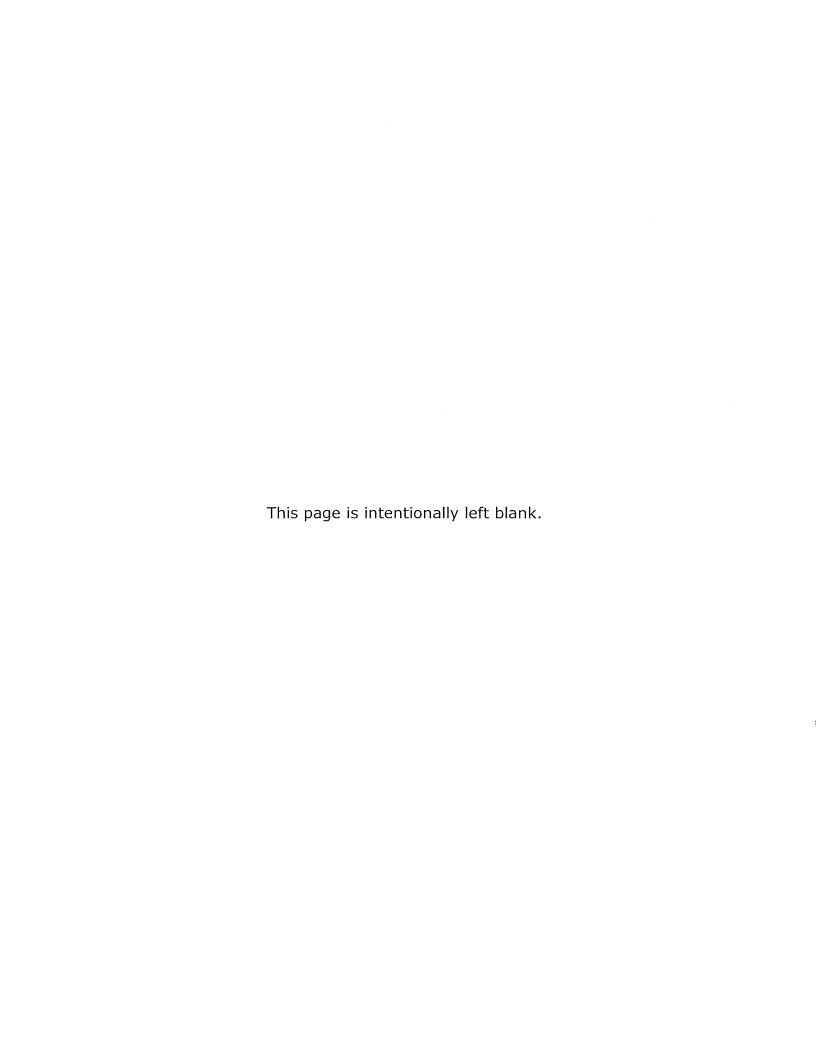
Sincerely,

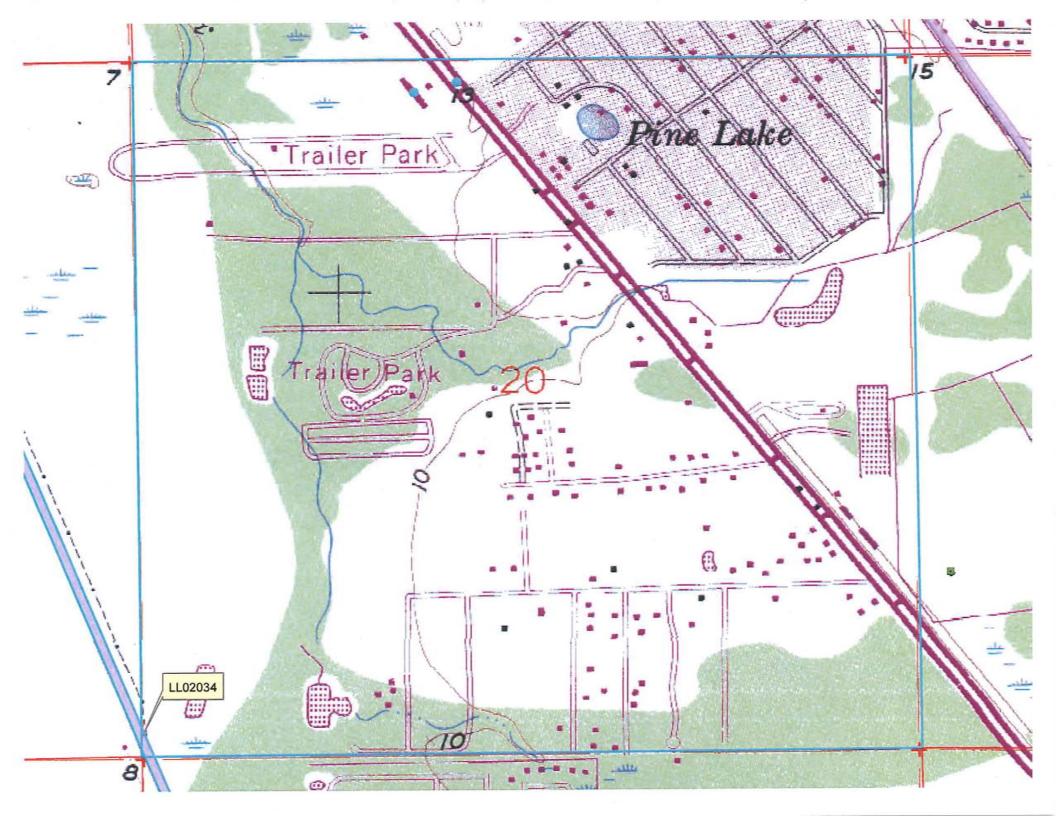
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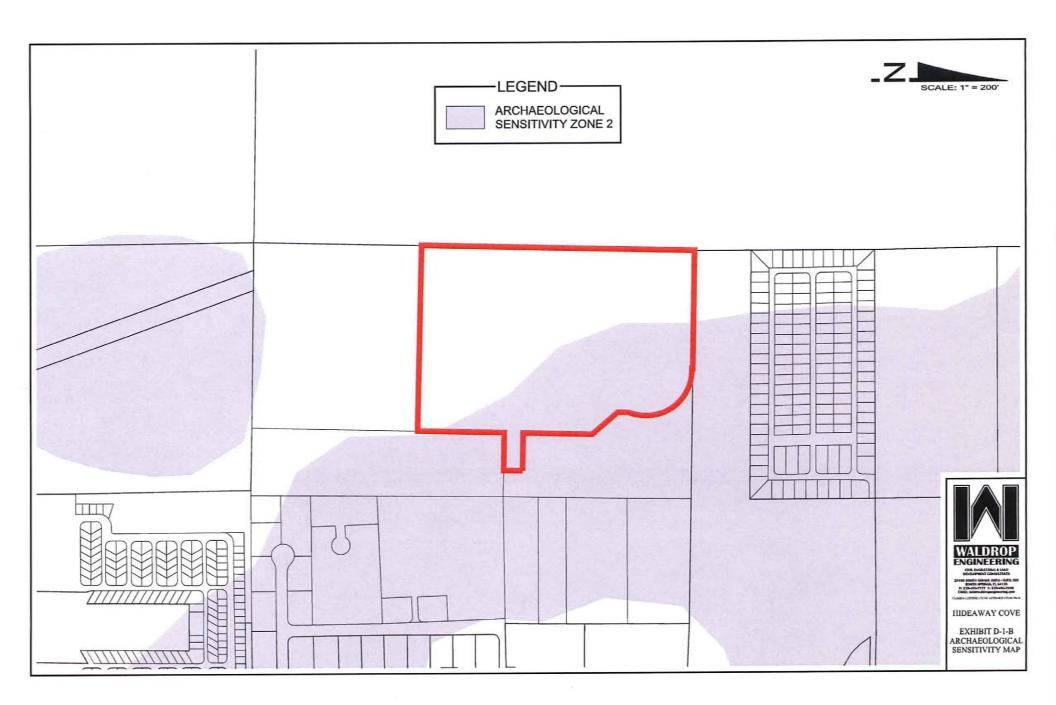
Historical Data Analyst

Florida Master Site File

EMVovsi@DOS.MyFlorida.com







28100 BONITA GRANDE DR. #305 BONITA SPRINGS, FL 34135 P: 239-405-7777 F: 239-405-7899

#### **EXHIBIT IV.E.4 – LEE PLAN CONSISTENCY & AMENDMENT JUSTIFICATION**

#### **REVISED MAY 13, 2014**

Taylor Morrison of Florida, Inc. ("Applicant") is requesting approval of a Comprehensive Plan Amendment to:

- 1) Amend the underlying Future Land Use Designation for the 32-acre subject property from Sub-Outlying Suburban to Outlying Suburban, allowing for a maximum of 92 dwelling units;
- 2) Remove site-specific text in Policy 1.1.11.1. a. and b. from the Future Land Use Element; and
- 3) Amend Lee Plan Table 1(b) "Planning Community Year 2030 Allocations" to add 32 acres of residential acreage to the Outlying Suburban Future Land Use Category in the San Carlos Planning Community.

Future Land Use Element (FLUE) Policy 1.1.11.1 a. and b. allocates 90 units for development on the subject property. Additional language in the policy ties development of the 32-acre subject property to the permanent conservation of the adjacent 28 acres owned by others. Since the Applicant does not have control of the adjacent 28 acres, and is unable to acquire conservation easements to preserve these lands in perpetuity, this application will allow for the appropriate development of the subject property as a stand-alone project, at a density consistent with the existing policy and with surrounding properties.

The proposed amendment will allow for the development of an infill community comprised of single-family uses approved per Z-05-041. The amendment will serve to direct new growth to an urbanized area of the county with adequate public infrastructure, while ensuring compatibility with the surrounding single-family neighborhood, places of worship, and mobile home parks.

As outlined in detail below, the requested Outlying Suburban Future Land Use Designation will allow for a logical transition from the lands designated Urban Community Category to the east, and the state-owned preserve lands to the west, which are designated as Conservation Lands. As further evidence of the request's appropriateness, the subject property contains minimal wetlands (4% of the total acreage), and is further buffered to some extent by the presence of the 100' wide FPL Power Line Right of Way angling from SE to NW along SW corner of the west side of the Subject Property.

As indicated in the enclosed Infrastructure Analysis, attached as Exhibit IV.B.2, the FLUM amendment will increase the allowable density on the property by 2 dwelling units, or 5 persons (2 du @ 2.5 persons/unit), a nominal increase that is supported by, and that will avoid the underutilization of, the existing adequate public infrastructure.

#### I. DEVELOPMENT LOCATION

The subject property comprises 32+/-acres and is located 3/4 miles west of the South Tamiami Trail/Pine Road intersection in unincorporated Lee County, Florida. The Property is designated within the Sub-Outlying Suburban Future Land Use Category and is within the San Carlos Planning Community.

The property is located in an urbanized portion of Lee County as evidenced by the property's proximity to South Tamiami Trail/US, a six-lane arterial roadway, and by the Urban Community Future Land Use designation and development pattern immediately to the east, as well as the urban levels of public infrastructure available to service the project.

The subject property is also located in close proximity to existing Residential Planned Developments, conventionally zoned residential communities, places of worship, and mobile home parks. Intensive commercial and light industrial uses are also in close proximity along the US 41 frontage. Please refer to Table 1 below and Exhibits IV.A.4 and 5, which show the moderate intensity and density of those uses and describe the adjacent Future Land Use Categories, zoning districts, and existing land uses.

**TABLE 1: INVENTORY OF SURROUNDING LANDS** 

DIRECTION	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
North	Rural	AG-2	Mobile Home Park
			(Shady Acres Travel Park)
South	Conservation Lands	RPD	Conservation (Estero Scrub Preserve)
East	Urban Community;	AG-2	Single-Family Residential
	Rural; Conservation		(San Carlos Grove);
	Lands		Conservation (Estero Bay Preserve)
West	Conservation Lands	RPD	Conservation (Estero Bay Preserve)

#### **II. PROJECT HISTORY**

In 2003, a Comprehensive Plan Amendment (CPA) was approved per Ordinance 03-20, which redesignated the subject property from Rural to Outlying Suburban. The Applicant agreed during the amendment process to restrict future development to a maximum of 120 dwelling units, of which 90 units could be developed on the 32-acre subject property, while the surrounding 28 acres would remain in conservation. The additional 30 dwelling units would be available for sale or transfer as Transfer of Development Rights (TDR) units. This agreement is clearly reflected in the approving ordinance and in Lee Plan Policy 1.1.11.1.

In 2005, the Applicant submitted an application to rezone the 60-acre property from Agricultural (AG-2) to Residential Planned Development (RPD) in order to implement the Outlying Suburban Future

Land Use Designation. In compliance with the aforementioned CPA ordinance, the Applicant requested a total of 90 units clustered on the 32-acre parcel with the adjacent 28-acres remaining in preserve. The request also included permission to sell/transfer the 30 additional units for use in another development pursuant to the county's TDR program.

Although Staff recommended approval of the proposed 90-unit development due to its consistency with the Outlying Suburban Future Land Use Designation, availability of public infrastructure to serve the development, and compatibility with the surrounding development pattern, the application was ultimately approved for a maximum of 64 dwelling units plus 30 units available for transfer off-site.

In May 2007, the subject property was re-designated from Outlying Suburban to Sub-Outlying Suburban per a county-initiated amendment process. The resulting Lee Plan Policy 1.1.11 includes the following language to guide the future development of the subject property:

"1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:

a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flow ways, high-quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.

b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity."

In November, 2005, Resolution Z-05-041 approved the Hideaway Cove RPD approving 64 single family units to be located on the 32 acre upland parcel in the NW corner of the 60 acre subject property. Only the 32 acres was allowed to be developed and the 28 acre balance of the property was designated as Preserve (consistent with Lee Plan Policy 1.1. 11) with 30 units of transferrable development rights assigned to the 28 acre preserve parcels. On December 5, 2005, the owner of the 32 acres upland parcel (Estero Preserve, LLC) paid \$100,000 for a signed and recorded Agreement with the owner of the 28 acres preserve parcel (Estero Commons, LLC) in which Estero Commons agreed that when the local DO required it, then Estero Commons would convey a Conservation Easement to Lee County over

the 28 acres Preserve as required by the Zoning RPD. After that, Morrison Homes signed a contract in late December, 2005, and then bought the 32 developable acres from Estero Preserve in April, 2006, along with the right to rely upon the Conservation Easement Agreement which ran with the land. Morrison Homes paid \$6.8 million for the 32 acres with the Conservation Easement Agreement in place.

Later, [approximately 2007], Estero Commons filed for bankruptcy. The owner of the 28 acre Preserve parcel, Natoli/Peninsula Sailfish, filed a claim in the bankruptcy because they had a mortgage on the 28 acre Preserve parcel and asked the bankruptcy judge to convey the property to them free of the Conservation Easement Agreement which they had not signed. The judge agreed and removed the agreement from affecting the 28 acres (which were then conveyed by the Bankruptcy Trustee to Peninsula Sailfish in October, 2008.). We do not believe that the bankruptcy hearing had any effect on the 28 acres with regard to removing the zoning conditions already in place.

Taylor Morrison made a very significant investment in the 32 acres parcel with the reasonable expectation that the Conservation Easement confirming the Preserve condition would be conveyed when the DO was issued. Now they find that the post-bankruptcy owner of the 28 acre Preserve refuses to convey the easement (notwithstanding that they should have been required to sign off on the applications for the zoning and plan amendment that first established that the 28 acres was the Preserve area).

On the 32 acre Taylor Morrison parcel with 64 units, the \$6.8 million purchase price translates to \$106,250/unit for land costs before they even begin to develop the project. They can't afford to repurchase the 28 acre preserve area again. If the 32 acres/64 units can be increased to the 90 units originally anticipated, then the land cost drops to \$75,555/unit, which is still high but is certainly better than \$106,250. The surrounding areas (other than the Estero Bay Preserve) have largely developed at Suburban and Urban Community densities in the range of 5-10 units per acre. Artificially limiting this last infill parcel to a density of less than 3 units per acre doesn't make sense in this area nor from the standpoint of fighting urban sprawl. Regardless of what the present owner of the 28 acres chooses to do, this 32 acre parcel is appropriate for 90 units of density (still less than 3 units/acre in Outlying Suburban). If offsite mitigation is necessary in order to allow development of the 32 acres, then that should be evaluated on its own merits rather than requiring Taylor Morrison to somehow acquire the 28 acres on which it previously purchased a Conservation Easement Agreement (but lost due to the Bankruptcy Court ruling).

In 2012, the Applicant filed a RPD Amendment (DCI2012-00056) to increase the density to 90 units, as was intended by Ordinance 03-20, and remove conditions that required a conservation easement on the 28-acres controlled by others. The intent was to maintain the 28-acres as preserve on the RPD Master Concept Plan, thereby precluding their future development, but remove language requiring easements that the Application could not provide due to lack of ownership.

Per correspondence from the Lee County Planning Division, attached as Exhibit "A", the Applicant's only option to develop the property with the density intended by Ordinance 03-20 is to remove the

above-referenced site-specific text that requires unified development with the adjacent 28-acres. This application is filed in direct response to Staff's directive.

#### III. LEE PLAN CONSISTENCY

The following is an analysis of the proposed Amendment's consistency with the goals, policies and objectives of the Lee Plan.

**Policy 1.1.6**: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.

In compliance with this policy, the subject property is located on the periphery of the Urban Community Future Land Use Category, in close proximity to urban levels of development. The proposed amendment will allow for an appropriate transition from the Urban Community lands to the east and the Conservation Lands to the west, as was intended for the property through the entitlement history outlined above.

The surrounding land use pattern is a mix of intensive commercial uses along the US 41 frontage, large- and small-lot single-family residential uses, places of worship, and mid-rise multi-family uses in the nearby Breckinridge PUD, and built-out Recreational Vehicle (RV) parks.

Nearby RV parks include Shady Acres to the north and Riverwoods Plantation to the south. Riverwoods Plantation is zoned RV-3 and is built out with RV sites ranging in size from 2,000-3,000 square feet in area, resulting in densities in excess of 15 du/acre. Shady Acres is zoned MH-2, RV-3 and AG-2 and is built out with 250 RV sites, recreational amenities, campgrounds and RV storage on approximately 40 acres. The resulting density is 6 du/acre. These densities and uses demonstrate that the Subject Property is surrounded by a diverse land use pattern, which is not solely characterized by single-family uses.

The required Infrastructure to support the project is readily available for the 92 units permitted pursuant to the Outlying Suburban Future Land Use Category.

The corresponding RPD Amendment ensures the development of the subject property with single-family detached dwelling types that are compatible with the lower-density residential uses along Pine Road.

The amendment will serve to balance the County's objectives to ensure compatibility with established residential areas and to direct new development to urbanized areas with available infrastructure.

**Objective 2.2:** Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

The proposed amendment to allow for the development of up to 92 units is in direct compliance with this policy. The property is west of the US 41/South Tamiami corridor in southern Lee County, which is an urbanized area where growth is not only intended, but is encouraged by the Lee Plan.

The subject property is located in Future Water and Sanitary Service Areas per Lee Plan Maps 6 and 7, respectively. Lee County Utilities has adequate capacity to service the proposed density as outlined in the letter of availability provided with this application. Moreover, the recent investment in public infrastructure widening and improving US 41, in immediate proximity to the subject property, is evidence of this property's ideal location for infill development.

Approval of this amendment will allow for development of the subject property at slightly below 3 units per acre as intended by the original plan amendment, instead of 1 unit per acre as outlined in Planning Staff's correspondence. The Applicant respectfully submits that unnecessarily restricting development of the Subject Property to one unit per acre will contribute to a sprawling land use pattern, and under-utilize the County's investment in public infrastructure in this area.

**OBJECTIVE 2.7:** Historic resources will be identified and protected pursuant to the Historic Preservation element and the county's Historic Preservation Ordinance.

In compliance with this policy, the Applicant has secured a letter from the Florida Master Site File indicating that no recorded historical or archaeological resources exist on the property.

**POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The proposed amendment will not negatively impact the residential character along Pine Road and in the vicinity of the subject property. The immediate area contains a diverse mix of uses, ranging from light industrial and intensive commercial uses along the US 41 corridor, to large-and small-lot single-family uses consistent with Two-Family (TFC-2), Single-Family (RS-3 & RS-1), and Agricultural (AG-2) zoning, as well as mobile home parks, and places of worship. As outlined above, the Shady Acres and Riverwoods Plantation RV parks have densities ranging up to 15 du/acre, which demonstrate the broad range of land uses and densities/intensities in the immediate area.

While the Applicant is asking to remove unneeded restrictions on the allowable density in order to implement the Lee Plan policies guiding the development of this project, the proposed dwelling types will continue to be strictly limited to single-family detached units pursuant to the underlying RPD zoning.

Furthermore, the 32-acres of the Subject Property already approved for development are not directly adjacent to any existing single-family residences. The project will be still be entirely buffered from the San Carlos Groves subdivision via adjacent undeveloped lands, as well as by the Estero Bay Preserve to the southeast, south and west.

Based upon the approved single-family dwelling types, perimeter buffers, and adjacent preserve areas, the proposed amendment will continue to protect the existing residential development to the east, while allowing for the appropriate single family development density intended for this property.

**POLICY 4.1.1:** Development designs will 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, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

The proposed amendment will maintain the intent of Ordinance 03-02 and the RPD zoning district to direct development to the upland areas. The residential uses are oriented toward Pine Road where the project will be connected to the adjacent roadway network, as well as public utilities. The amendment does not include the adjacent 28-acres that the County has targeted as preserve abutting state-owned lands. As noted above and detailed in environmental report, the site contains 1.32 acres of lower quality isolated wetlands, and is suitable for the development of a residential community. Therefore, the proposed amendment is in direct compliance with this policy.

#### STANDARD 11.1: WATER

Potable water is available to service the allowable density within the Outlying Suburban Future Land Use Category, as outlined in the attached Availability Letter provided by Lee County Utilities. The property is also within the Lee County Utilities Future Service Area for Potable Water Service. The proposed amendment is in compliance with this standard.

#### STANDARD 11.2: SEWER

Sanitary sewer is available to service the allowable density within the Outlying Suburban Future Land Use Category, as outlined in the attached Availability Letter provided by Lee County Utilities. The property is also within the Lee County Utilities Future Service Area for Sanitary Sewer Service. The proposed amendment is in compliance with this standard.

#### STANDARD 11.3: TRANSPORTATION

JMB Transportation Engineering, Inc. has prepared the enclosed Traffic Impact Statement in accordance with the county requirements. Per this analysis, there is adequate capacity on the surrounding roadway network to support the proposed amendment and maintain the adopted Level of Service standards. Moreover, development of the property at 3 units per acre will ensure the efficient and effective utilization of the public investment in infrastructure in southern Lee County, such as the US 41 six-lane expansion project and the right turn lane onto Pine Road.

**POLICY 107.2.10:** Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

The adjacent Estero Bay Preserve will be protected by the perimeter buffer requirements set forth in the Lee County Land Development Code.

#### **CONSERVATION & COASTAL MANAGEMENT**

**POLICY 107.2.10:** Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

The proposed development is adjacent to the Estero Bay Buffer Preserve. The companion zoning application will ensure appropriate buffering of the off-site preserve area in accordance with LDC Sec. 10-416.

**POLICY 107.4.2:** Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

As outlined in the environmental assessment prepared by W. Dex Bender & Associates, Inc., the site does not contain rare or unique upland habitats. Additionally, the site contains 1.32 acres of low-quality wetlands, which equates to less than 5% of the site. Therefore, the subject property is an ideal site for the development of an infill residential community based upon the type and quality of habitat.

**POLICY 107.8.1:** The County's policy is to protect gopher tortoise burrows wherever they are found. However, if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements.

As outlined in the environmental assessment prepared by W. Dex Bender, there is evidence of gopher tortoise burrows on-site. The development will comply with all state and federal permitting requirements regarding the relocation of gopher tortoises to approved off-site preserve areas. As part of the local Development Order process a gopher tortoise management plan will be provided, in addition to all required permits in accordance with the above policy.

**POLICY 114.1.1:** Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 9b and 9c of Table 1(a), Summary of Residential Densities. In Future Limerock Mining areas only (see Map 14), impacts to wetlands resulting from mining will be allowed by Lee County when those impacts are offset through appropriate mitigation, preferably within Southeast Lee County (see also Policy 33.1.3). Appropriate wetland mitigation may be provided by preservation of high quality indigenous habitat, restoration or reconnection of historic flow ways, connectivity to public conservation lands, restoration of historic ecosystems, or other mitigation measures as deemed sufficient by the Division of Environmental Sciences. It is recommended that, whenever possible, wetland mitigation be located within Southeast Lee County. The Land Development Code will be revised to include provisions to implement this policy.

The maximum allowable development under the proposed FLUM utilizes the density calculation of 3 du/acre for uplands and 1 du/20 acres for wetlands in accordance with the above policy and Table 1(a). As noted above, the on-site wetlands are limited to 1.32 acres and are low-quality due to exotic infestation.

#### IV. ADJACENT LOCAL GOVERNMENTAL

The subject property is located entirely within Lee County and does not abut any other jurisdictions. Therefore, the proposed amendment will not affect other local governments.

#### V. STATE COMPREHENSIVE PLAN

The following are goals and policies from the State Comprehensive Plan that are generally applicable to the subject property.

Water Resources. Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the

overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

In compliance with this goal, this application will be reviewed by Lee County to ensure the availability of potable water for future residents, as well as the protection of surface water and groundwater in terms of both quality and quantity.

**Natural Systems & Recreational Lands.** Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

The site contains minimal wetlands and is suitable for the development of a residential community. All required state and federal permits will be acquired prior to site development activities.

**Land Use.** In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

As indicated above, the proposed amendment will allow for the development of a vacant property serviced by available public infrastructure and adjacent to existing suburban development patterns. Approval of this request will direct new development to an infill location as encouraged by this goal.

**Transportation.** Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit and transportation.

The project is serviced by an adequate roadway network, and is in close proximity to public transit, bicycle and pedestrian facilities.

#### VI. REGIONAL PLAN CONSISTENCY

The following are goals within the Strategic Regional Policy Plan (SRPP) that are generally applicable to the subject property:

#### **Housing Element**

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide-range of housing and employment opportunities.

The proposed amendment will allow for the development of an infill residential community with single-family dwelling types that are compatible with the surrounding neighborhood. The subject property is in close proximity to goods, services, and major employment centers in the

Estero community immediately to the south. The property provides an ideal location to accommodate the demand for new housing in Southwest Florida.

#### **Natural Resources Element**

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

The proposed amendment and companion RPD Amendment will ensure protection of the site's natural resources. The site contains 1.32 acres of wetlands, or less than 4% of the total acreage. The vast majority of the site is comprised of uplands, ideal for new residential development. The requisite buffers for the adjacent public lands will be provided as shown on the Master Concept Plan.

#### **Regional Transportation**

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

As outlined above, the Applicant is seeking approval of this FLUM amendment to allow for the development of a residential community. The property is in close proximity to the pedestrian and transit facilities along the U.S. 41 corridor.

## VII. Sprawl Analysis

The proposed amendment does not constitute sprawl. As outlined in detail above, the property is located in an urbanized area of the County that contains a diverse mix of residential and non-residential development, and is serviced by available public infrastructure.

The property is less than 1 mile from U.S. 41/South Tamiami Trail, which was recently expanded to six lanes. Capacity is available in nearby water and wastewater treatment plants, as evidenced in the attached Infrastructure Analysis. Schools, parks and other public services are also readily available as evidenced in this application.

The Property is adjacent to existing residential development to the east, and will serve as an appropriate, low-density transition to the Estero Bay Buffer lands to the west.

Based on the available public infrastructure and the surrounding development pattern, this amendment does not constitute urban sprawl.



February 27, 2013

John E. Manning District One

Geril L. Pendesglass District Two

Larry Kiker District Three

Terruny Hall District Four

Frank Mann District Five

Doug Meurer Interim County Manager

Michael B. Hurt County Allamey

Diana M. Parker County Hearing Examiner Steven C. Hartsell Pavese Law Firm 1833 Hendry Street Fort Myers, FL, 33901

Re: Hideaway Cove DCI2012-00056

Dear Mr. Hartsell:

Planning staff has identified an issue with the above mentioned zoning amendment. In fact this issue was identified with you in a meeting prior to the application being submitted. In addition, this has been discussed with the applicant's representatives in several recent meetings.

It appears that the request is not consistent with Lee Plan Policy 1.1.11, the Sub-Outlying Suburban descriptor policy. This policy specifies that the property in question may be developed at a gross density of one dwelling unit per acre. The policy further specifies that a gross density of up to two dwelling units per acre is permitted through the planned development zoning process if residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern.

The Lee Plan is very specific that development must be clustered on an area not to exceed thirty two acres and that the remainder of the property, twenty eight acres, will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. The applicant does not control these 28 acres and cannot assure that the 28 acres will be managed as a preserve and that the flowway be protected. Without a concurrent commitment to preserve the 28 acres, the exception in the policy is not being fully satisfied and, therefore, the density is limited to one dwelling unit per acre.

At this time, staff has identified the following options that could be pursued to address this issue:

- Obtain an easement or fee simple ownership of the other 28 acre parcel, and include it in the application;
- Obtain consent to join in this application from owner of the 28 acre parcel, and provide in next resubmittal;

- Pursue amendment of the RPD for 1 dwelling unit per acre on 32 acres (amend current PD request);
- Seek conventional zoning such as RS-4 on the 32 acre parcel; or,
- Seek Comp. Plan Text Amendment to remove language specific to the subject site.

We look forward to working with you to address this issue. We encourage you to identify additional options that could be considered for further discussion. If we can be of further assistance in this matter, do not hesitate to call me at (239) 533-8548.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Matthew A. Noble, AICP

THAMMALIM

Principal Planner, Division of Planning

cc: Mary Gibbs, Community Development Director

Pam Houck, Zoning Director

Chip Block, Principal Planner

Donna Marie Collins, Chief Assistant County Attorney

Alexis Crespo, Applicant's Representative