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Lee County Board of County Commissioners
Department of Community Development
Division of Planning
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COMMUNITY DEVELOPMENT

CPA 2016-00012

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

PROJECT NAME: _____

PROJECT SUMMARY:

Plan Amendment Type: Normal Small Scale DRI

APPLICANT – PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

M.D. Shrigley
Signature of Owner or Authorized Representative

8/22/16
Date

M.D. SHRIGLEY
Printed Name of Owner or Authorized Representative

I. APPLICANT/AGENT/OWNER INFORMATION (Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.)

Applicant: Anthony Scott Dunlap

Address: 809 NW 37th Pl.

City, State, Zip: Cape Coral, FL 33993

Phone Number: (239) 851-1833

Email: fldirtdeveloper@aol.com

Agent*: Matthew D. Uhle

Address: 1617 Hendry St. Ste. 411

City, State, Zip: Ft. Myers, FL 33901

Phone Number: (239) 226-4500

Email: matthewuhle@aol.com

Owner(s) of Record: Mike D. Shrigley (not binding; location not identified in text language)

Address: 1924 Santa Barbara Blvd. Suite 1

City, State, Zip: Naples, FL 34116

Phone Number: (239) 216-1336

Email: mikeshrigley@gmail.com

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment (Maps 1 thru 24)

List Number(s) of Map(s) to be amended: _____

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.

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.

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

A. Property Location:

- 1. Site Address: _____
- 2. STRAP(s): _____

B. Property Information:

- Total Acreage of Property: _____
- Total Acreage included in Request: _____
- Total Uplands: _____
- Total Wetlands: _____
- Current Zoning: _____
- Current Future Land Use Designation: _____
- Area of each Existing Future Land Use Category: _____
- Existing Land Use: _____

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: _____
- Airport Noise Zone 2 or 3: _____
- Acquisition Area: _____
- Joint Planning Agreement Area (adjoining other jurisdictional lands): _____
- Community Redevelopment Area: _____

D. Proposed change for the subject property:

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

- Residential Units/Density _____
- Commercial intensity _____
- Industrial intensity _____

2. Calculation of maximum allowable development under proposed FLUM:

- Residential Units/Density _____
- Commercial intensity _____
- Industrial intensity _____

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 each 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 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.);
- 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

1. 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.

H. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

Not Applicable

Alva Community Plan area [Lee Plan Objective 26.7]

Buckingham Planning Community [Lee Plan Objective 17.7]

Caloosahatchee Shores Community Plan area [Lee Plan Objective 21.6]

Captiva Planning Community [Lee Plan Policy 13.1.8]

North Captiva Community Plan area [Lee Plan Policy 25.6.2]

Estero Planning Community [Lee Plan Objective 19.5]

Lehigh Acres Planning Community [Lee Plan Objective 32.12]

Northeast Lee County Planning Community [Lee Plan Objective 34.5]

North Fort Myers Planning Community [Lee Plan Policy 28.6.1]

North Olga Community Plan area [Lee Plan Objective 35.10]

Page Park Community Plan area [Lee Plan Policy 27.10.1]

Palm Beach Boulevard Community Plan area [Lee Plan Objective 23.5]

Pine Island Planning Community [Lee Plan Objective 14.7]

AFFIDAVIT

I, Anthony S. Dunlap, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Anthony S. Dunlap
Signature of Applicant

8/19/2016
Date

Anthony S. Dunlap
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 8/19/2016 (date) by Anthony S. Dunlap (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Diana L Owen
Signature of Notary Public

Diana L Owen
(Name typed, printed or stamped)



TEXT AMENDMENT LANGUAGE

Add the following sentence to the end of Policy 6.1.8:

Rustic campgrounds with transient recreational vehicles spaces are also permitted in non-urban areas, provided that: (a) the maximum number of spaces does not exceed eight spaces per acre; (b) the project is served by public water and sewer facilities; (c) a minimum of 40 percent of the project as maintained as indigenous open space; and (d) the project is zoned RVPD.

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RATIONALE FOR PLAN AMENDMENT

BACKGROUND

The applicant has a contract to purchase a 123 acre site located east of Burnt Store Road in unincorporated Lee County. The property in question is a former mine, is located in the Open Lands FLUM category, and is currently zoned RPD. The RPD plan includes preserved wetland areas, lakes, a future development area, and single-family residential lots.

The applicant is currently in the process of developing a parcel located within the boundaries of the City of Cape Coral for an upscale RV resort to be known as The Resort at Tranquility Lakes. This project is located approximately one half mile from the parcel that is the subject of this application. The intent with the current application is to create a development that complements, but does not compete with, The Resort at Tranquility Lakes.

The development contemplated by the proposed text amendment is a recreational project, not a residential use, that is consistent with the limitations in the Open Lands FLUM category. The current Lee Plan language pertaining to Open Lands and non-urban commercial uses does not specifically address this use, and is therefore ambiguous. The text amendment should consequently be viewed as an attempt to clarify the existing applicable Lee Plan provisions, not to change them.

KEY ELEMENTS OF THE TEXT AMENDMENT

1. The applicant is requesting a text amendment, not a map amendment, because a map amendment would be inappropriate at this location, given the nature of the surrounding uses, and because, as noted above, the amendment is viewed more as a clarification than a policy change.
2. **“Rustic”**: Some campgrounds with RVs are clearly urban uses; as noted above, that is not the applicant’s intent. The “rustic” aspects of the project will consist of large amounts of indigenous open space, a requirement that the RV spaces be transient, minimal non-natural amenities, and a variety of architectural and design elements that will be required through the mandatory RVPD process.
3. **“Transient”**: As noted above, the project is designed to cater to people looking for a non-urban recreational experience. The reference to “transient” RVs reinforces that point and ties the request to existing LDC language limiting RV densities to eight units per acre.
4. **Indigenous open space requirement**: This is intended to prevent the use from becoming too “urban.” It will also be enforced during the RVPD process.
5. **Water and sewer requirements**: The applicant is extending water and sewer lines from Charlotte County in order to serve The Resort at Tranquility Lakes. Given the demand

for wastewater treatment and potable water generated by the project, it makes sense to include this requirement in the amendment.

6. **RVPD requirement:** This is the principal enforcement mechanism for the remainder of the provisions in the text amendment.
7. **RV density:** The eight units per acre figure is consistent with the current regulations in the LDC for transient parks.
8. **Rationale for amending Policy 6.1.8 instead of the Open Lands FLUM category:** There is no obvious reason why this use would be permitted in Open Lands, but not the Rural category.

PUBLIC FACILITIES IMPACTS

This is a text amendment; it is not tied specifically to the applicant's property or proposed project. As a result, it is not mandatory for the applicant to address public facilities impacts in the text amendment submittals. However, the text amendment language itself requires that the site be served by adequate public water and sewer facilities, so those impacts will be mitigated by definition.

CONSISTENCY WITH THE LEE PLAN

As noted above, the request is an attempt to clarify, not change, the Lee Plan to specifically permit a non-urban commercial recreational use in non-urban areas. The request is consistent with the following Lee Plan provisions:

1. **Policy 1.4.4:** The low intensity commercial recreational use described in the proposed language is consistent with the overall intent of the Open Lands FLUM category.
2. **Policy 1.7.6:** While the request is not tied to a particular parcel, the amount of acreage to be developed falls within the 37 available commercial acres in the Burnt Store Planning Community.
3. **Policy 2.1.3:** While the proposed use will occur on privately-owned land, it is otherwise consistent with this policy, which permits public recreational uses, including private franchised businesses on public land, in all land use categories.
4. **Objective 2.2 and Policies 2.2.1 and 2.2.2:** The project that is contemplated by this amendment would be served by adequate public facilities.
5. **Standards 11.1 and 11.2:** The amendment requires the use of public water and wastewater treatment facilities.
6. **Goal 107 and implementing policies:** The development contemplated by this request will preserve wetlands and will have a minimum of 40 percent indigenous open space.

The proposed recreational use will have no impact on Lee County's population projections; it does not affect the capacity of the FLUM. If the development that is ultimately contemplated by the amendment is built on the site that is under contract, it will not negatively impact the nearby City of Cape Coral, as the Cape's land uses in this area are all urban in nature, and the project will be served by adequate public facilities.

CONSISTENCY WITH THE STATE PLAN

The request is consistent with the following provisions of the State Comprehensive Plan:

1. **Policy (9)(b)13:** The proposed recreational use is consistent with this policy, which encourages the use of public and private financial and other resources for the development of recreational opportunities at the state and local level.
2. **Policy (9)(b)6.:** The amendment will encourage the use of forest resources for recreation.
3. **Policy (9)(b)7:** The amendment will protect and restore the ecological functions of wetland systems to insure their long-term environmental, economic, and recreational value.
4. **Policy (13)(b)3:** The site contemplated for the project, as noted above, is a former mine. The request is consistent with the requirement that areas disturbed by mining should be reclaimed to productive and beneficial use.

CONSISTENCY WITH THE SRPP

The request is consistent with the following provisions of the SRPP:

1. **Economic Element, Goal 1, Strategies to maintain the physical infrastructure to meet growth demands and to ensure adequate infrastructure for rural areas:**
As noted above, the project that is contemplated by this application will be served by adequate public facilities in spite of its location in the Open Lands FLUM category.
2. **Economic Element, Goal 2, Strategy to improve the high rates of unemployment and low wage scales in rural areas—Action 3: Assist in the development of rural tourism and eco-tourism:** Permitting rustic campgrounds in rural areas is an appropriate way to encourage environmentally-sensitive tourism in these areas.
3. **Economic Element, Goal 5, Strategy to promote both internal and inter-regional tourism—Action 1: Encourage increased regional tourism.** Again, the proposed recreational use in non-urban areas is consistent with this provision.