



LEE COUNTY BOARD OF COUNTY COMMISSIONERS
LEE COUNTY COMPREHENSIVE PLAN AGENDA

Wednesday, March 8, 2017

9:30AM

CPA2016-00003

PEPPERLAND RANCH – Continued from
January 25, 2017 and February 22, 2017

CPA2016-00003

**PEPPERLAND
RANCH**

Summary Sheet

Pepperland Ranch, CPA2016-03

Request:

Amend Lee Plan Map 17, Southeast DR/GR Residential Overlay, to designate a 637.5 +/- acre property along Corkscrew Road as an "Environmental Enhancement and Preservation Community" and Lee Plan Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service areas.

The property is located approximately 3 miles east of the intersection of Alico and Corkscrew Roads. The requested amendments will allow the property to be developed with a residential community pending the property being rezoned.

Staff Recommendation:

Staff recommends that the Board of County Commissioners *transmit* the proposed amendment to the state reviewing agencies.

LPA Motion:

The LPA recommended that the Board of County Commissioners transmit the amendment as recommended by staff.

NOEL ANDRESS	NAY
JOHN CASSANI	NAY
DENNIS CHURCH	AYE
JIM GREEN	AYE
STAN STOUDE	ABSENT
ROGER STRELOW	ABSENT
GARY TASMAN	AYE

Public Concerns:

Eleven members of the public addressed the LPA concerning the proposed amendment. Concerns expressed by the public included off-site impacts of stormwater management on properties south of the development, road and utilities capacity, hydrology and surface water flow, and access to 6L's Farm Road. One member of the public noted that having a residential development in this location assured him that the property would not be developed as a mine.

Transmittal Hearing:

At the Applicant's request the Transmittal Hearings on January 25, 2017 and February 22, 2017 were continued until March 8, 2017. Prior to being continued public comments had been closed.



**COMPREHENSIVE PLAN
AMENDMENT**

**CPA2016-03
PEPPERLAND RANCH**

Privately Sponsored Amendment

**Board of County Commissioners
Transmittal Hearing Staff Report**

1/25/2017

**STAFF REPORT
COMPREHENSIVE PLAN AMENDMENT
CPA2016-03**

Text Amendment

Map Amendment

This Document Contains the Following Reviews	
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	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 Publication Date: December 9, 2016

**PART I
APPLICATION SUMMARY**

A. PROJECT NAME:

Pepperland Ranch

B. APPLICANT/REPRESENTATIVES:

Pepperland LLC/ Mr. Brian Farrar
Banks Engineering/Mr. Thomas Lehnert

C. REQUEST:

Amend Lee Plan Map 17, Southeast DR/GR Residential Overlay, to designate a 637.5 +/- acre property along Corkscrew Road as an "Environmental Enhancement and Preservation Community" and Lee Plan Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service areas. The property is located approximately 3 miles east of the intersection of Alico and Corkscrew Roads. The requested amendments will allow the property to be developed with a residential community pending the property being rezoned.

D. CONCURRENT APPLICATION REVIEW:

The Pepperland Ranch comprehensive plan amendment was filed by Pepperland LLC on March 9, 2016. The applicant has also filed a companion rezoning application that is being reviewed concurrently with the plan amendment application by the Lee County Zoning Division.

Florida Statutes Chapter 163.3184(12) provides that “At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection.” This requires Lee County to take into account the concurrent rezoning request on the subject site, DCI2016-00003.

DCI2016-00003 was filed on March 9, 2016 seeking to rezone 637.5± acres from Industrial Planned Development to Residential Planned Development (RPD) to permit the a residential development with accessory commercial uses.

**PART II
RECOMMENDATION and FINDINGS OF FACT**

A. RECOMMENDATION:

After thorough review and consideration of the numerous factors discussed in the following report, staff is recommending that the following proposed amendments be transmitted to the state reviewing agencies:

- Amend Map 6: Future Water Service Areas to add the subject property;
- Amend Map 7: Future Sewer Service Areas to add the subject property; and
- Amend Map 17: Southeast DR/GR Residential Overlay to add the subject property to the Environmental Enhancement and Preservation Communities Overlay.

Attachment #1 contains the existing and revised maps.

B. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Density Reduction/Groundwater Resources future land use category was adopted to protect groundwater resources.
- The Environmental Enhancement and Preservation Communities Overlay (the Overlay) targets critical restoration areas, requires enhanced development standards and provides predictable density incentives, furthering the County’s goals for the Southeast DR/GR.
- The Overlay has previously been found to be consistent with Lee Plan Objective 107.1, Policy 1071.1, Policy 107.2.8 and Policy 107.11.4.
- The subject property contains a historic flowway that has been impacted by decades of agricultural uses.

- Restoration of the flowway can be accomplished using the standards provided in the Overlay.
- The density of the subject property, if added to the Overlay, will be limited to no more than one unit per acre, which is considered a non-urban density by the Lee Plan.
- Preservation of wildlife habitat on the subject property will help to connect large areas of publicly owned conservation and other areas of privately preserved and restored lands;
- The proposed amendment will provided continued protection of the DR/GR as an area that can provide substantial groundwater recharge to aquifers suitable for wellfield development.
- No significant impacts on present or future water resources will result from the change (as required by Policy 2.4.2 of the Lee Plan).

PART III PROPERTY INFORMATION

A. PROPERTY CONDITIONS, INFRASTRUCTURE AND SERVICES

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 637.5± Acres.

PROPERTY LOCATION: The subject property is located on the south side of Corkscrew Road approximately 2.75 miles east of the intersection of Alico Road and Corkscrew Road.

EXISTING USE OF LAND: The property is used for agricultural purposes.

CURRENT ZONING: The property is zoned IPD to accommodate a proposed dirt mine. The dirt mine was never developed.

CURRENT FUTURE LAND USE CATEGORY: Density Reduction/Groundwater Resource (DR/GR) and Wetlands.

2. INFRASTRUCTURE AND SERVICES:

FIRE: Estero Fire and Rescue.

EMS: Lee County EMS service area.

LAW ENFORCEMENT: Lee County Sheriff's Office.

SOLID WASTE: The subject site is located in solid waste Service Area 3.

MASS TRANSIT: LeeTran does not currently serve the subject site.

WATER AND SEWER: The subject site is not currently located within the Lee County Water and Sewer Future Service Areas as identified on Maps 6 and 7 of the Lee Plan. Water and Sewer services are currently being extended to the property that is on the north side of Corkscrew Road, across from the subject property.

B. FUTURE LAND USE DESIGNATION AND PLANNING COMMUNITY:

Density Reduction/Groundwater Resource (DR/GR)

The subject property's future land use category is primarily DR/GR. DR/GR was originally incorporated into the Lee Plan as part of the implementation of the 1990 Stipulated Settlement Agreement between Lee County and the Florida Department of Community Affairs (DCA).

Prior to the adoption of the Stipulated Settlement Agreement, the Lee County Division of Natural Resources proposed to protect the shallow aquifers, in part, with an amendment to the Future Land Use Map. The original proposal was for the creation of a new future land use category for the southeast area of the county called "Groundwater Resource." The amendment proposed a reduction in density from one dwelling unit per acre to one dwelling unit per five acres.

The DCA was concerned with the carrying capacity of the Future Land Use Map in relation to the Planning Horizon of the Lee Plan. Therefore allowable density was further reduced to one dwelling unit per ten acres and the words "Density Reduction" were added to the name of the category.

Southeast Lee County Planning Community

Lee County further delineated appropriate land uses in Southeast Lee County through plan amendment CPA2008-06. This amendment was initiated to provide a balance between several conflicting land uses such as limerock mining, agriculture, residential development, and lands held for conservation purposes.

CPA2008-06 lead to the adoption of Goal 33: Southeast Lee County. Goal 33 reiterat the importance of water resources in the southeast portion of the county and also introduced the protection of natural habitat as part of the planning goal for this portion of the county. Objective 33.2 and 33.3 allow some flexibility to cluster or concentrate development rights in order to protect water resources and wildlife habitats. Increased density through Transferable Density Rights is also contemplated in relation to the goals of the Lee Plan. To date, no TDRs have been created from lands in Southeast DR/GR.

Lee Plan Goal 33 and the subsequent Objectives and Policies were supported by backup documentation that included the July 2008 Dover, Kohl & Partners' Prospects for Southeast Lee County and the July 2009 Dover, Kohl & Partners' Natural Resource Strategies for Southeast Lee County.

The Dover Kohl Study, Natural Resource Strategies for Southeast Lee County introduced the current Priority Restoration Strategies areas that are currently identified on Lee Plan Map 1, Page 4, and also provided that “*conservation goals should include the following to protect and enhance the natural resources within the DR/GR:*”

1. *Maintaining and enhancing the surface and groundwater resources;*
2. *Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR;*
3. *Expanding the existing shallow and sandstone aquifer monitoring well system to be used as a resource management tool;*
4. *Restoring historic flow-ways;*
5. *Providing connectivity between larger, regionally significant preserves for mammal and herpefaunal movement;*
6. *Planning for public potable water well withdrawals to insure natural systems are not harmed;*
7. *Restoration of historic ecosystems;*
8. *Maintaining and enhancing woodstork foraging areas; and*
9. *Maintaining and enhancing agricultural operations.*

In 2015 Lee County adopted the Environmental Enhancement and Preservation Communities Overlay. The Overlay provided a new strategy to achieve the goals for Southeast Lee County articulated during the 2008 amendments to the Lee Plan and supported by the Dover Kohl Studies. The objectives of the Overlay are discussed in Part IV of this report.

C. SURROUNDING PROPERTIES

All of the properties discussed below are located in the DR/GR or Wetlands future land use category. The majority of the properties are zoned AG-2.

West of the subject site is the Six L’s Farm large lot single family residential area, zoned AG-2. This neighborhood contains about 20 single family homes as well as additional vacant residential parcels. The proposed restoration plan for Pepperland Ranch will provide substantial development setbacks and restored wildlife habitat adjacent to the Six L’s Farm neighborhood. West of the Six Ls Farm neighborhood is the Old Corkscrew Golf Course. The golf course property is zoned PRFPD (Private Recreational Facilities Planned Development).

South of the subject property are additional large lot single-family residences in the Six L’s Farm neighborhood and agricultural property that is the subject of a similar privately initiated amendment to the Lee Plan. Currently these properties are all zoned AG-2. The Collier County line and the Audubon Corkscrew Swamp Sanctuary are approximately one mile further south. Southwest of the subject property is the Florida Farm Development Company property which is zoned AG-2 and used for agricultural purposes.

East and south are agricultural properties owned by Pan Terra Holdings. These properties are within the DR/GR and Wetlands future land use categories and are zoned AG-2. The Pan Terra Holding's properties are the subject of concurrent zoning and comprehensive plan amendments similar to this request.

North of the subject property, across Corkscrew Road, is property owned by the Place at Corkscrew LLC (AKA Corkscrew Farms), zoned RPD and property owned by Lee County, zoned AG-2. The Corkscrew Farms property is approximately 1,360 acres and was included in the Environmental Enhancement and Preservation Communities Overlay. The east half of the Corkscrew Farms property, which is directly north of the subject property, primarily consists of lands that will be restored thereby connecting hydrology and wildlife habitat from the Airport Mitigation Park down to Corkscrew Road and ultimately the subject property. The Airport Mitigation Park is in the Conservation Lands future land use category and is zoned AG-2. It is a 7,000 acre conservation area that was established to compensate for the impact of long-term development of the Southwest Florida International Airport and includes the Imperial Marsh, the largest freshwater marsh in Lee County, and connects to the Flint Pen Strand.

PART IV STAFF DISCUSSION AND ANALYSIS

ENVIRONMENTAL ENHANCEMENT AND PRESERVATION OVERLAY:

The requested amendments to the Lee Plan will designate the subject property within the Environmental Enhancement and Preservation Communities Overlay. The Overlay was established based on three objectives:

1. Target strategic areas that can provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR, consistent with Policy 33.2.3 of the Lee Plan;
2. Require development to be designed with the land, consistent with Goal 4: Sustainable Development Design and numerous other Goals, Objectives, and Policies of the Lee Plan; and,
3. Provide a predictable way to assign appropriate increases in density as an incentive to offset the cost of the improvements needed to achieve the longstanding environmental goals of the Southeast DR/GR.

The Overlay was incorporated into the Lee Plan through the adoption of Policy 33.3.4. Policy 33.3.4 provided a strict boundary for properties that are considered eligible to be included in the Overlay. To be included within the Overlay, an additional amendment to Lee Plan Map 17 is required. As part of any amendment to be included in the Overlay, the applicant must demonstrate that the property is within the established boundary and has the potential to provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties.

The first objective of the Environmental Enhancement and Preservation Communities Overlay is to include lands that can provide strategic regional benefits while minimizing new and adverse impacts that would be inconsistent with Lee County's goals for Southeast Lee County as stated in Policy 33.3.4:

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following:

1. These lands are within the "Environmental Enhancement and Preservation Communities" overlay as designated on Map 17 of the Plan. Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below:
 - a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.
 - b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.

The location of the subject property is eligible to be identified on Map 17 as an Environmental Enhancement and Preservation Community because it is within the area identified in Policy 33.3.4(1)(a). Data and analysis provided by the applicant and discussed on pages 9 - 12 of this report demonstrate that the subject property has the ability to provide important hydrological and wildlife habitat connections between existing CREW, Lee County, and other properties designated within the Environmental Enhancement and Preservation Communities Overlay. The location of the subject property is consistent with the requirements of Lee Plan Policy 33.3.4, to be identified on Map 17 as an Environmental Enhancement and Preservation Community.

The 2nd and 3rd objectives of the Overlay will be analyzed as part of the concurrent DCI case, and are briefly discussed in the "Environmental Considerations" section below.

Environmental Considerations:

The subject property is identified in the Lee Plan as a Tier 1 Priority Restoration property. Lee Plan Policy 33.2.2 provides that the Priority Restoration overlay depicts land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation

areas. Tier 1 lands are the highest priority for protection from irreversible land-use changes. By requesting to be added to the Overlay the applicant is opting to utilize the incentive based language that would allow for increased density on the site where the project improves, preserves, and restores regional surface water and groundwater resources and indigenous wildlife habitats. This property will provide connectivity for wildlife movement and restoration of active agricultural into native habitat, consistent with Goal 33. Therefore, given its location and environmental features, as described above, the property provides opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections consistent with Policy 33.3.4.

Through the concurrent rezoning case the applicant has proposed, and Policy 33.3.4(2) requires, that development of the property will provide the following regional benefits:

- Preservation of all existing native wetlands habitats and approximately 350 acres of land to be placed into a conservation easement. These preserves will include exotic removal, re-grading and replanting/seeding/natural recruitment. Along with common open space and water management conveyance areas and lakes results in 60% open space.
- Enhance, restore and create historic hydric pine, cypress and marsh wetland habitats as well as upland habitats in the approximately 380 acres of preserved lands. This will include restoring historic water levels and hydro-periods in wetlands, removal of exotic species and restoration/creation of wetlands and uplands within existing disturbed agriculture areas. This is a drastic increase over the 20.41 acres of existing indigenous preservation currently on the site.
- Improve critical wildlife connections to nearby public conservation lands to the north and south.
- Preservation of water resources through reductions in water use allocation and the use of native plants to reduce irrigation.
- Restore historic flowways and allow off-site connection of flowways.
- Connection to sewer and water instead of the currently approved well and septic use.

Of the 637.5± acres, only 3% is indigenous vegetation. The remaining areas are used for agricultural purposes and contain row crops, agricultural ditches or roads. The agricultural property provides limited value for wildlife in its current state. With the removal of the agricultural berms, cessation of agricultural irrigation and restoration of 60% of the property to native habitat, the site will provide more value for wildlife by allowing increased opportunities for wood storks to forage or nest and for panthers to hunt, traverse, or den on the property.

A majority of the property is within secondary zone for Florida Panther. The secondary zone are areas adjacent to the primary zones (areas consistently used by panthers) that would most likely be occupied by an expanding panther populations. By ceasing agricultural use and restoring the land to a native landscape this will increase the available habitat for Florida panther. The preliminary site plan for the property provides large areas for wildlife movement through the property and connection to the nearby conservation lands to the north. This is consistent with Objective 33.2.

GROUNDWATER: The subject property is located at the south of the Lee County Utilities Corkscrew Wellfield. Compared to the current agricultural land use, the proposed amendment will reduce impacts on groundwater resources by using potable water supply provided by Lee County Utilities. The proposed centralized irrigation system will be designed to meet the requirements of the Lee County "Water Conservation Ordinance".

SURFACE WATER: The proposed restoration plan will preserve an onsite wetland area located on the northwestern section of the property and restore on-site wetlands by incorporating them into recreated flow ways. The restoration plan will also provide a flow way interconnect for proposed future connection along the northern and south eastern portions of the project to help relieve some of the flooding of adjacent properties.

WATER QUALITY: Water quality is a major concern on this project due to its close vicinity to the public water supply system. The applicant has agreed to provide additional treatment of surface water prior to discharging to water management lakes. This will be reviewed as part of the concurrent rezoning.

One of the conservation goals listed in the Dover Kohl study was to maintain and enhance surface and groundwater resources. This goal is achieved by using lake water for irrigation, providing potable water from Lee County Utilities, elimination of septic systems, and restoration of flow ways through the property.

The following items will need to be addressed and resolved during the Zoning approval process in order to assure the proposed amendments and resulting development will create no significant impacts on present or future water resources:

- Flowway restoration and maintenance plan.
- Flowway and Outfall Easement agreement.
- Potential contamination of public water supply system due to construction or operational activities on the project site.
- Design of the water management system to mimic the functions of the natural system.
- Maintain historic flow through the property and avoid flooding of adjacent properties.
- Setback requirements of Chapter 62-532 with regard to sanitary sewer lines from public water supply system.
- Compliance with Wellfield Protection Ordinance.

Growth Management:

Policies 2.4.2 and 2.4.3 specifically address amendments that would increase the allowable density or intensity of land uses within the Southeast DR/GR. Policy 2.4.2 requires the Board of County Commissioners make a formal finding that “no significant impacts on present or future water resources will result from the change.” To assist in making this finding, Policy 2.4.3 has additional requirements for any amendment that will increase the density or intensity of the DR/GR future land use category. The four pieces of additional required data are discussed in the following paragraphs.

Policy 2.4.3 specifically states that “amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county.” However, Policy 2.4.3 also provides four specific requirements for applicants seeking such an amendment as follows:

1. *analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,*
2. *identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,*
3. *present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,*
4. *supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J- 5.006(5) (g), (h), (i) and (j), FAC.*

As proposed by the applicant, the source of the domestic water is Lee County Utilities, eliminating the need for multiple private wells which would drawdown from the potable water tables below the property. Irrigation water for the residential units would be supplied by a master irrigation system that will draw from the existing wells. The master irrigation system will allow greater control of irrigation water resulting in less use than would be allowed by individual private wells. The Division of Natural Resources has found that “*no significant impacts on present or future water resources are expected as a result from the change.*” (See memo from the Division of Natural Resources)

Rule 9J-5, as identified in Policy 2.4.3(4), has been eliminated by the State of Florida. However, Chapter 163.3177(6)(a)(9) of the Florida Statutes provides guidance as to what constitutes urban sprawl. The statutes state that the evaluation of the presence of sprawl shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether urban sprawl exist. Because the subject property has been identified as a Tier 1 restoration property the maximum density that may be approved with the Overlay’s standards is 1

unit per acre. When viewed within the context of features and characteristics unique to Lee County it should be noted that densities at one unit or less per acre are considered to be “non-urban” by the Lee Plan. Therefore the Overlay and specifically the proposed amendment will not change the Lee Plan in a way that promotes, allows, or designates significant amounts of urban development to occur in rural areas, because development allowed by the Overlay is considered to be non-urban.

PART V INFRASTRUCTURE AND SERVICES

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS:

In accordance with the agreed upon methodology for the CPA long range 20+ year analysis, the applicant utilized output from the 2040 Lee County Metropolitan Planning Organization (MPO) Long Range Transportation Plan (LRTP) model output volumes as background traffic. The LRTP model data was developed based on 2010 United States Census data which was collected prior to the approval of the CPA and DCI applications for WildBlue and Corkscrew Farms in the Environmental Enhancement and Preservation Communities Overlay (Overlay). The applicant manually added the project traffic and the traffic projections from WildBlue and Corkscrew Farms based on the approved applications.

CPA2016-00003 LOS Summary

Roadway Segment	From	To	# of lanes in the MPO LRTP	2040 LOS	
				Background traffic	With the project, Corkscrew Farms and WildBlue
Alico Road	Corkscrew Road	Airport Haul Road	2	B	C
Alico Road	Airport Haul Road	Ben Hill Griffin Parkway	4	B	B
Corkscrew Road	Collier County line	project entrance	2	B	B
Corkscrew Road	project entrance	Corkscrew Farms	2	B	C
Corkscrew Road	Corkscrew Farms	Alico Road	2	B	E
Corkscrew Road	Alico Road	Bella Terra	4	C	C
Corkscrew Road	Bella Terra	WildBlue	4	C	C
Corkscrew Road	WildBlue	Ben Hill Griffin Parkway	4	C	F

Corkscrew Road from the WildBlue entrance to Ben Hill Griffin Parkway is shown to have a future LOS "F", both with the 4-laning in the MPO LRTP, and with all three projects. The segment of Corkscrew Road from the WildBlue western entrance to Ben Hill Griffin Parkway is approximately six miles from the subject property and outside of the three mile radius study area. It is possible that the subject project may have a proportionate share obligation for addition of motor vehicle capacity to Corkscrew Road. Staff is also simultaneously reviewing CPA2016-00009/DCI2016-00018 (Verdana). The applications are proposing 1,460 residential dwelling units and 60,000 SF of retail.

Further analysis of the potential proportionate share obligations of developments in the Overlay, and potential improvements to address roadways, surface water flow and wildlife movement, will be conducted in the Corkscrew Road traffic study. The scope of services for the study is being developed by a consultant and is scheduled for completion in January 2017. The full Corkscrew Road traffic study is anticipated to be implemented in 2017.

SCHOOL IMPACTS:

Capacities for elementary seats are not an issue within the Concurrency Service Area (CSA). For middle and high school, the development adds to the projected deficit within the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

SOLID WASTE COLLECTION SERVICE:

The Lee County Solid Waste is capable of providing solid waste collection service for the proposed project. Disposal of solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

MASS TRANSIT SERVICE:

- Currently, the closest route (Route 60) to the identified parcel is greater than seven miles away.
- This property is outside of the ¼ mile fixed route buffer and the ¾ mile ADA Service Corridor.
- The current Transit Development Plan (TDP) does not identify for the expansion of LeeTran's transit service in this area as a need within the 10-year horizon of the document.

EMERGENCY MEDICAL SERVICES (EMS):

Lee County EMS has concerns about being able to accommodate the additional development proposed on the subject property. They have stated that:

We have two EMS stations that are approximately 7 miles from the proposed entrance off Corkscrew: Station 21 and Station 25.

An evaluation of current response times along Corkscrew Road in that vicinity, as well as drive time modeling, suggests we will not be able to meet existing service standards as required in County Ordinance 08-16. Therefore, we have concerns about our ability to provide service to this new development.

The applicant will be required to address this deficiency as part of the concurrent DCI case as required by Policy 33.3.4(2)(m) of the Lee Plan.

POLICE SERVICE:

The proposed Lee Plan amendment does not affect the ability of the Lee County Sheriff's Office to provide core services as this time. Service will be provided primarily from the South District Office in Bonita Springs.

FIRE PROTECTION SERVICE:

The Estero Fire Rescue Service District is able to serve the proposed development. An additional fire station is planned for the general areas of the subject property in 3 – 5 years.

UTILITIES SERVICE:

There is adequate capacity to serve the proposed development as follows.

Potable Water:

LCU's current total combined water treatment capacity is 45.9 million gallons per day (MGD). The Green Meadows Water Treatment Plant (WTP) is in the process of being expanded from 9.00 MGD to 14.00 MGD which will bring the total combined treatment capacity of the water system to 50.9 MGD. The projected water system demand included in LCU's Integrated Water Resource Master Plan indicates a total water system demand of 37.04 MGD annual average daily flow (AADF) in the year 2030. This represents a surplus capacity of 13.86 MGD. The 2015 annual average daily demand in LCU's water system was 23.41 MGD. The 2015 maximum month average daily demand in LCU's water system was 27.25 MGD. Based on the information presented above there is sufficient water treatment capacity to serve the proposed development.

Sanitary Sewer:

The current permitted treatment capacity of the Three Oaks Wastewater Treatment Plant (WWTP) is 6.0 MGD. The current annual average daily flow to the Three Oaks WWTP is 3.15 MGD. There currently is capacity at the Three Oaks WWTP to provide service to the proposed development. Regarding sufficient treatment capacity in the future, the following should be noted. LCU has recently completed a study of the Three Oaks WWTP service area which included a flow projection to the facility. This study was completed by a Consultant. The flow projection for this study was based on the Three Oaks WWTP future service area at the time the projection was completed.

The Pepperland Ranch project is currently not located within the Three Oaks WWTP future service area, therefore, the wastewater flow projected from the Pepperland

Ranch development (140,000 gallons per day) was not included in the flow projection performed in the study referenced above. Utilizing the flow projection performed during the study referenced above the effect the Pepperland development projected flow will have on the available capacity at the Three Oaks WWTP can be determined. The flow projection was revised to add the flow generated from Pepperland Ranch as well as comprehensive plan amendments approved after the projection was performed. It was assumed that the Pepperland Ranch project would be fully built out by the year 2020. The revised projection indicates that the annual average daily flow to the Three Oaks WWTP will not exceed the permitted capacity until the year 2028.

Because the wastewater flow to the Three Oaks WWTP is projected to exceed the permitted capacity in the future, LCU has initiated a study to identify options for treatment of wastewater flows that are projected to be generated within the Three Oaks WWTP service area. This study is currently underway.

Lee County Utilities full memo dated November 28, 2016 is attached.

PART VI CONCLUSIONS

The applicant has provided materials that demonstrate regional hydrological and wildlife connectivity can be provided through the restoration of the existing agricultural fields consistent with Goals, Objectives, and Policies identified in the Lee Plan, including Policy 2.4.2 and 2.4.3 which require a finding that no significant impacts on present or future water resources will result from the change.

The subject property contains a historic flowway that has been impacted by decades of agricultural uses. Restoration of the flowway can be accomplished using the standards provided in the Overlay. Preservation of wildlife habitat on the subject property will help to connect large areas of publicly owned conservation and other areas of privately preserved and restored lands. The requested Comprehensive Plan Amendment is to allow higher residential densities in turn for the restoration of historic flowways and wildlife habitat on property identified by the Lee Plan as a Tier 1 restoration area.

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

DATE OF PUBLIC HEARING: December 19, 2016

A. LOCAL PLANNING AGENCY REVIEW:

The applicant and their representatives gave a detailed presentation for the proposed amendments which covered consistency with the Lee Plan, wildlife habitat, hydrology, stormwater management, and transportation. Members of the LPA asked several questions about the sites hydrology, habitat restoration schedule, utilities, water management, panther zones, and status of Lee County studies on transportation and utilities. The applicant's representatives provided detailed responses.

Following the applicant's presentation staff gave a brief presentation including a project overview, staff findings, and recommendation that the proposed amendments be transmitted to the state for review.

Eleven members of the public addressed the LPA concerning the proposed amendment. Concerns expressed by the public included off-site impacts of stormwater management on properties south of the development, road and utilities capacity, hydrology and surface water flow, and access to 6L's Farm Road. One member of the public noted that having a residential development in this location assured him that the property would not be developed as a mine.

During the LPA discussion some members expressed concern about traffic, and asked for clarification from staff and the applicant on utilities, traffic, hydrology, and water management. Several members stated that while they shared these concerns, they are zoning level concerns and did not affect the project's consistency with the Lee Plan.

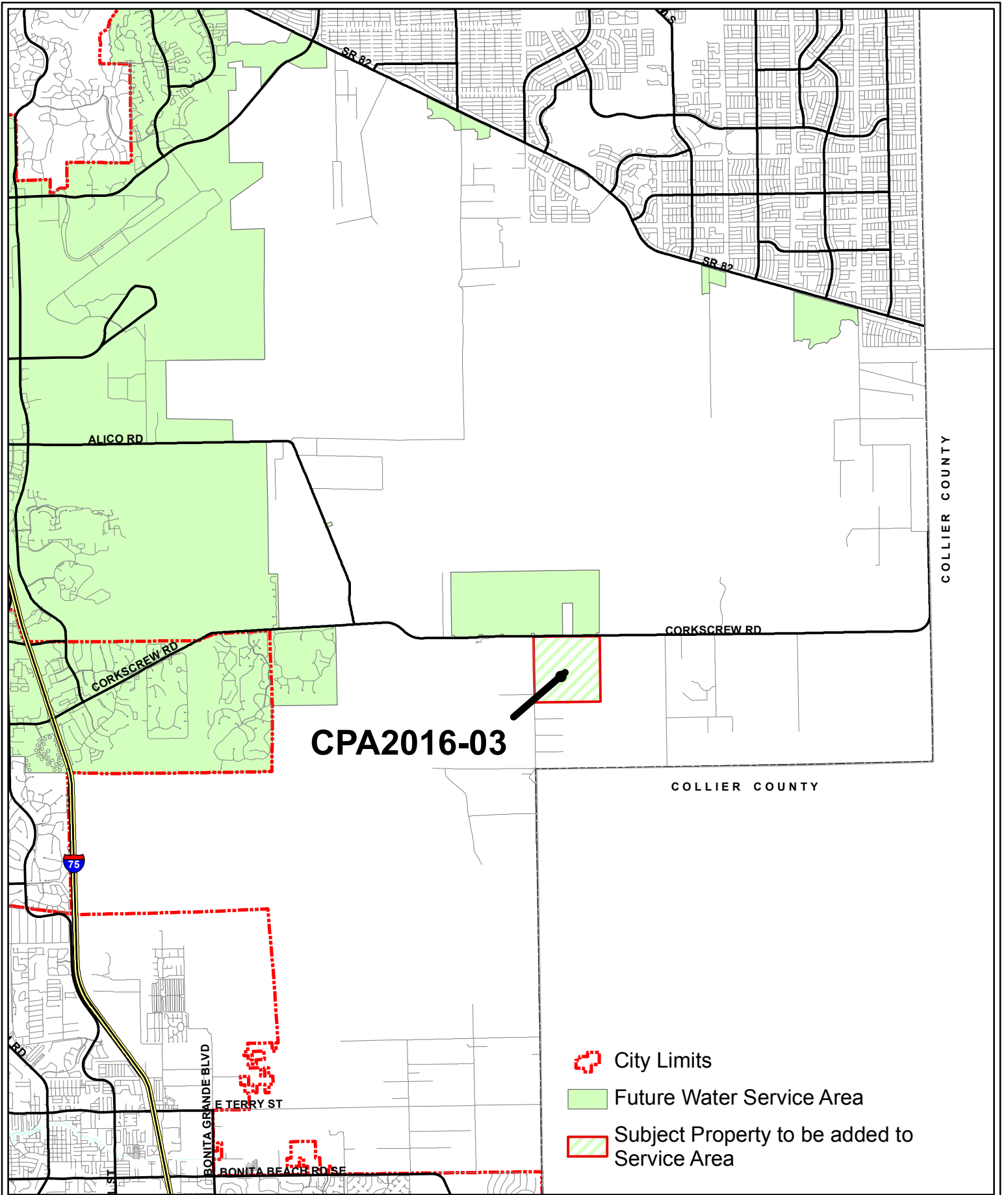
A motion was made to recommend that the Board of County Commissioners transmit the amendment. The motion was passed by a 3 to 2 vote.

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




- 1. RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit the amendment to the Lee Plan as proposed by staff.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the basis and recommended findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>NAY</u>
JOHN CASSANI	<u>NAY</u>
DENNIS CHURCH	<u>AYE</u>
JIM GREEN	<u>AYE</u>
STAN STOUDE	<u>ABSENT</u>
ROGER STRELOW	<u>ABSENT</u>
GARY TASMAN	<u>AYE</u>



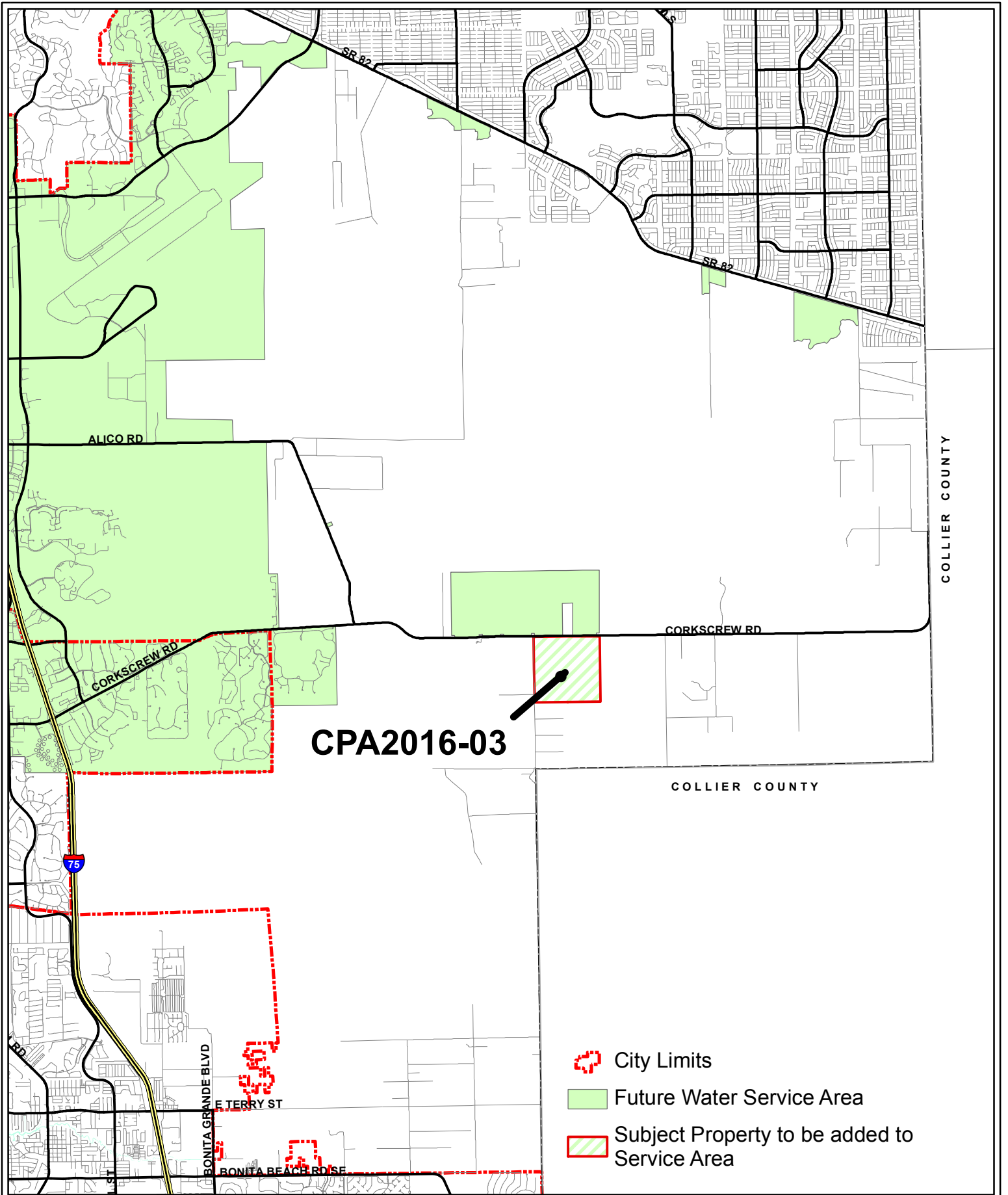
CPA2016-03

-  City Limits
-  Future Water Service Area
-  Subject Property to be added to Service Area









Map Generated December 2016
Prepared By Lee County DCD/Planning

CPA2016-00003 - PEPPERLAND RANCH
LEE PLAN MAP 6
LEE COUNTY UTILITIES
FUTURE WATER SERVICE AREAS



CPA2016-03

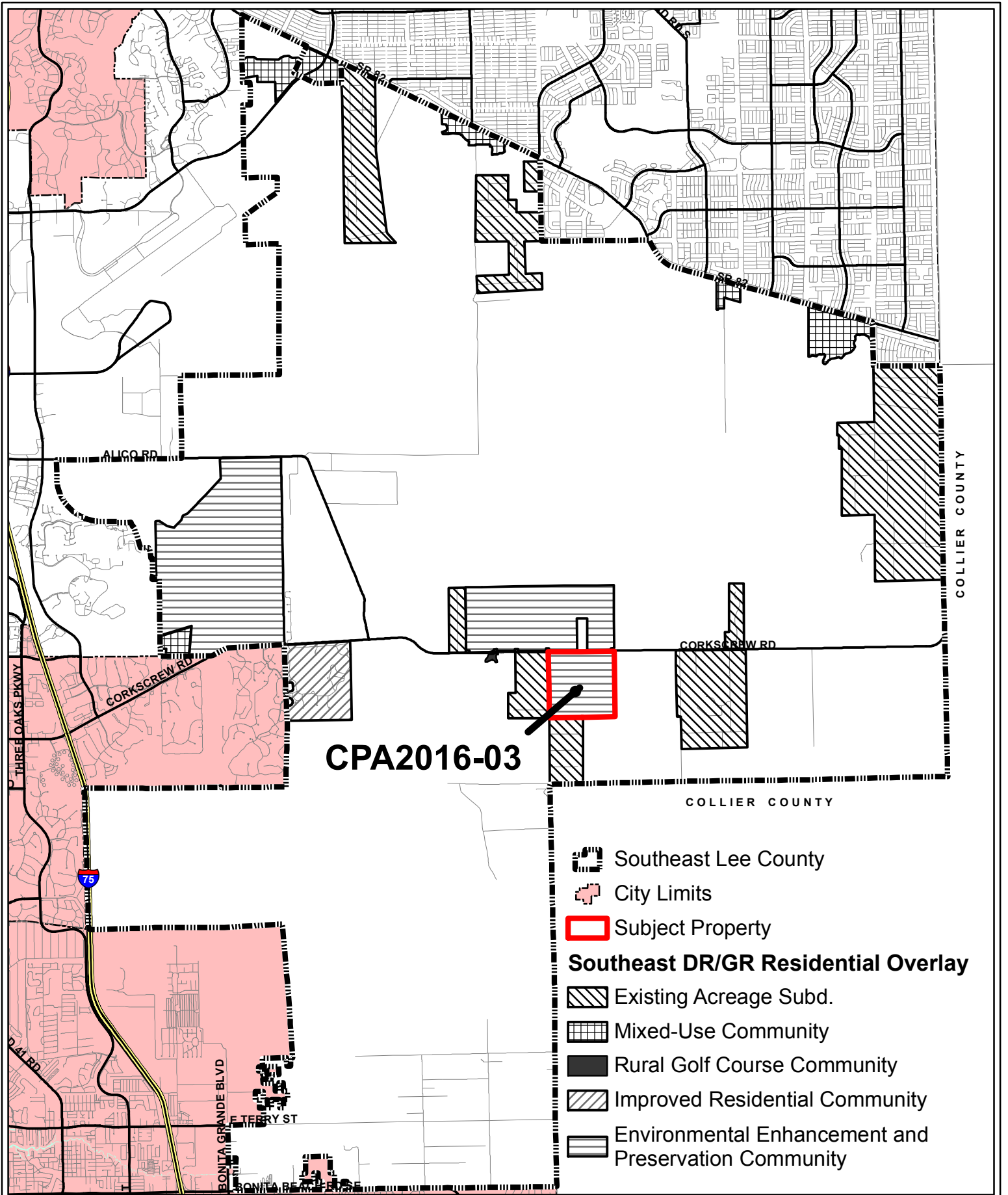
-  City Limits
-  Future Water Service Area
-  Subject Property to be added to Service Area

Map Generated December 2016
Prepared By Lee County DCD/Planning



CPA2016-00003 - PEPPERLAND RANCH
LEE PLAN MAP 7
 LEE COUNTY UTILITIES
 FUTURE SEWER SERVICE AREAS



STAFF COMMENTS



John E. Manning
District One

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

March 4, 2016

Matthew Noble
ANoblePlan, LLC
1842 Seafan Circle
North Fort Myers, FL 33903

Re: Initial development review for Pepperland Ranch

Mr. Noble,

I am in receipt of your email dated February 26, 2016, requesting a letter to determine the adequacy of existing and proposed services for the development of Pepperland Ranch, located off Corkscrew Road. The property is referenced as STRAP 30-46-27-00-00001.0000.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. We have two EMS stations that are approximately 7 miles from the proposed entrance off Corkscrew Road: Station 21 and Station 25.

An evaluation of current response times along Corkscrew Road in that vicinity, as well as drive time modeling, suggests we will not be able to meet existing service standards as required in County Ordinance 08-16. Therefore, we have concerns about our ability to provide service to this new development.

Should the plans or access to the property change, a new analysis of this impact would be required.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin Abes".

Benjamin Abes
Interim Chief
Division of Emergency Medical Services



THE SCHOOL DISTRICT OF LEE COUNTY

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

DAWN M HUFF
LONG-RANGE PLANNER
Planning, Growth & School Capacity
Phone: 239-337-8142
FAX: 239-335-1460

STEVEN K. TEUBER
CHAIRMAN, DISTRICT 4
MARY FISCHER
VICE CHAIRMAN, DISTRICT 1
JEANNE S. DOZIER
DISTRICT 2
CATHLEEN O'DANIEL MORGAN
DISTRICT 3
PAMELA H. LARIVIERE
DISTRICT 5
GREGORY K. ADKINS, ED. D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

March 10, 2016

Brandon Dunn, Senior Planner
Lee County Division of Planning
1500 Monroe Street
Fort Myers, Florida 33902-0398

RE: CPA2016-00003
Pepperland Ranch

Dear Mr. Dunn:

This letter is in response to your request for comments dated March 10, 2016 for the Pepperland Ranch in regard to educational impact. This project is located in the South Choice Zone, Sub Zone 3.

The request is for a plan amendment to accommodate 700 dwelling units. There is no clarification as to the type of unit therefore single-family will be utilized for the purpose of determining capacity. 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 homes, the generation rate is .295 and further broken down by grade level into the following, .147 for elementary, .071 for middle and .077 for high. A total of 207 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. The Concurrency Analysis attached, displays the impact of this development. Capacities for elementary seats is not an issue within the Concurrency Service Area (CSA). For middle and high school, the development adds to the projected deficit for the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

Thank you for your attention to this issue. If I may be of further assistance, please call.

Sincerely,

Dawn Huff

Dawn Huff,
Long Range Planner

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee School District
NAME/CASE NUMBER Pepperland Ranch/CPA2016-00003
OWNER/AGENT Pepperland LLC
ITEM DESCRIPTION various amendments; all impacts in South CSA, sub area S3

LOCATION On the south side of Corkscrew Rd, 7+ miles east of I-75
ACRES 630
CURRENT FLU Density Reduction/Groundwater Resource (DRGR)/ Wetlands (W)
CURRENT ZONING Industrial Planned Development (IPD)

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
700	0	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
0.147			102.90
0.071			49.70
0.077			53.90

Source: Lee County School District, March 10, 2016 letter

CSA SCHOOL NAME 2019/20	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	12,413	10,726	1,687	103	1584	87%	
South CSA, Middle	5,621	5,803	-182	50	-232	104%	
South CSA, High	7,070	7,947	-877	54	-931	113%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan
 (2) 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)
 (3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Dawn Huff, Long Range Planner

Memo

To: Brandon Dunn, Principal Planner - Planning
Alvin "Chip" Block, Principal Planner - Zoning

From: Andy Getch, P.E., Manager
Infrastructure Planning

Date: November 14, 2016

Subject: Pepperland (CPA2016-00003/DCI2016-00003)

LCDCD Infrastructure Planning and Development Services staff has reviewed the traffic analysis in the subject application for public hearing. The applicant's consultant has submitted a combined traffic analysis for the CPA and DCI cases.

The subject property has frontage on Corkscrew Road. The two project access points depicted on the Master Concept Plan meet Land Development Code (LDC) Section 10-285 intersection separation requirements along Corkscrew Road, a county maintained minor arterial roadway. The traffic analysis indicates 700 dwelling units for this property. The analysis estimates a total weekday PM peak hour trip generation of 605.

The DCI submittal buildout is coincident with the 5 year short range analysis requirement for the CPA. The analysis indicates the level of service (LOS) on all the study area roadway segments within a 3 mile radius are anticipated to operate at or better than the adopted LOS standard in year 2022.

DCI2016-00003 LOS Summary

Roadway Segment	From	To	2022 LOS	
			Without the project	With the project
Alico Road	Corkscrew Road	Airport Haul Road	A	B
Alico Road	Airport Haul Road	Ben Hill Griffin Parkway	B	C
Corkscrew Road	Collier County line	project entrance	B	B
Corkscrew Road	project entrance	Alico Road	B	C
Corkscrew Road	Alico Road	Ben Hill Griffin Parkway	D	E

The intersection analyses for the year 2022 at build-out showed LOS “C” at the east site access intersection with Corkscrew Road, and LOS “E” at the west site access intersection with Corkscrew Road during p.m. peak hour conditions. The analysis showed LOS “C” without the project and a projected LOS “F” with the project for the intersection of Corkscrew Road at Alico Road. The intersection of Corkscrew Road at Ben Hill Griffin Parkway is estimated to operate at LOS “E” in 2022 both without and with project traffic.

In accordance with the agreed upon methodology for the CPA long range 20+ year analysis, the applicant utilized output from the 2040 Lee County Metropolitan Planning Organization (MPO) Long Range Transportation Plan (LRTP) model output volumes as background traffic. The LRTP model data was developed based on 2010 United States Census data which was collected prior to the approval of the CPA and DCI applications for WildBlue and Corkscrew Farms in the Environmental Enhancement Communities Preservation Overlay (EECPO). The applicant manually added the project traffic and the traffic projections from WildBlue and Corkscrew Farms based on the approved applications as agreed upon in the methodology.

CPA2016-00003 LOS Summary

Roadway Segment	From	To	# of lanes in the MPO LRTP	2040 LOS	
				Background traffic	With the project, Corkscrew Farms and WildBlue
Alico Road	Corkscrew Road	Airport Haul Road	2	B	C
Alico Road	Airport Haul Road	Ben Hill Griffin Parkway	4	B	B
Corkscrew Road	Collier County line	project entrance	2	B	B
Corkscrew Road	project entrance	Corkscrew Farms	2	B	C
Corkscrew Road	Corkscrew Farms	Alico Road	2	B	E
Corkscrew Road	Alico Road	Bella Terra	4	C	C
Corkscrew Road	Bella Terra	WildBlue	4	C	C
Corkscrew Road	WildBlue	Ben Hill Griffin Parkway	4	C	F

Corkscrew Road from the WildBlue entrance to Ben Hill Griffin Parkway is shown to have a future LOS “F”, both with the 4-laning in the MPO LRTP, and with all three projects. The segment of Corkscrew Road from the WildBlue western entrance to Ben Hill Griffin Parkway is approximately six miles from the subject property and outside of the three mile radius study area. It is possible that the subject project may have a proportionate share obligation for addition of motor vehicle capacity to Corkscrew Road.

Staff is also simultaneously reviewing CPA2016-00009/DCI2016-00018 (Verdana). The applications are proposing 1,460 residential dwelling units and 60,000 SF of retail.

Further analysis of the potential proportionate share obligations of developments in the EECPO, and potential improvements to address roadways, surface water flow and wildlife movement, will be conducted in the EEPKO (aka Corkscrew Road traffic) study. The scope of services for the study is being developed by a consultant and is scheduled for completion in January 2017. The full EECPO traffic study is anticipated to be implemented in 2017.

Cc: Marcus Evans
Lili Wu

**MEMORANDUM
FROM
PUBLIC WORKS
Natural Resources Division**

Date: November 18,2016

TO: Mikki Rozdolski
Director, Planning Division

From: Roland Ottolini
Director, Natural Resources
Division

SUBJECT: CPA2016-00003 Pepperland Ranch Plan Amendment

The subject property is located on Corkscrew Road east of the intersection of Alico and Corkscrew Roads. The applicant is requesting to build 700 dwelling units on the 637.5 +/- acre parcel. The site is located in the DRGR land use and Wetlands categories within the Southeast Lee County Planning Community. The subject site is identified in the Lee Plan as a Tier 1 Priority Restoration property. The proposed project would remove the potential of future fill mining at the subject site.

GROUNDWATER: The subject site is located at the south of the Lee County Utilities Corkscrew Wellfield. In fact, one third of the northern portion of the property is located within wellfield protections zones. The current use on the property is agriculture. There are a number of existing permitted wells for agriculture use. Most of those wells will be properly abandoned or possibly utilized as monitoring wells. Natural Resources staff has reviewed the information provided by the applicant including the Groundwater Analysis for the subject site, prepared by Water Science Associates. Compared to the current agricultural land use, the proposed amendment will reduce impacts on groundwater resources by using potable water supply provided by Lee County Utilities. The proposed centralized irrigation system utilizes on site lakes replenished by the newly constructed wells on an as necessary basis. This system will be designed to meet the requirements of the Lee County "Water Conservation Ordinance".

SURFACE WATER: The subject site is located south of mitigation or conservation lands owned by other agencies. The residential community located west of the subject property along 6L's Farm Road experiences flooding from time to time. Farm ditches have been excavated within and around the property altering historical surface water drainage and runoff patterns. The proposed restoration plan will preserve an onsite wetland area located on the northwestern section of the property. The master concept plan attempts to restore on-site wetlands by incorporating them into recreated flow ways. The restoration plan will also provide a flow way interconnect for proposed future connection along the northern and south eastern portions of the project to help relieve some of the flooding of adjacent properties. In addition, the proposed development pods are chosen in a way to accommodate and enhance flow ways to mimic historic flow and to provide wildlife habitat.

WATER QUALITY: Water quality is a major concern on this project due to its close vicinity to the public water supply system. The applicant has agreed to provide additional treatment of surface water prior to discharging to water management lakes.

One of the conservation goals listed in the Dover Kohl study was to maintain and enhance surface and groundwater resources. This goal is achieved by using lake water for irrigation, providing potable water from Lee County Utilities, elimination of septic systems, and restoration of flow ways through the property. Further, incorporation of a monitoring well network will provide a tool for managing the natural system and work towards achieving other goals listed in the Dover Kohl study.

The following items shall be addressed and resolved during the Zoning approval process:

- 1) Flow way restoration and maintenance plan.
- 2) Flowway and Outfall Easement agreement.
- 3) Potential contamination of public water supply system due to construction or operational activities on the project site.
- 4) Design of the water management system to mimic the functions of the natural system.
- 5) Maintain historic flow through the property and avoid flooding of adjacent properties.
- 6) Setback requirements of Chapter 62-532 with regard to sanitary sewer lines from public water supply system.
- 7) Compliance with Wellfield Protection Ordinance.

Based on the information provided and given the above concerns are to be addressed in the subsequent approval processes, the Lee County Division of Natural Resources finds that no significant impacts on present or future water resources are expected as a result from the change. Therefore, the Division of Natural Resources staff recommends that the Board of County Commissioners make a formal finding that no significant impacts on present or future water resources are expected as a result from changing the Future Land Use Category, as required in Lee Plan Policy 2.4.2 and Policy 2.4.3. This memo does not intend to relieve the applicant from complying with any other part of the Lee Plan.



Lee County
Southwest Florida
INTEROFFICE MEMORANDUM
PUBLIC WORKS
UTILITIES

DATE: November 28, 2016

TO: Brandon Dunn

FROM: Howard Wegis

SUBJECT: CPA2016-00003 Pepperland Ranch/LCU Treatment Capacity to Provide Service

This memo is intended to supplement information previously provided to the Lee County Planning Division, regarding Lee County Utilities' (LCU) available potable water and sanitary sewer treatment capacity to provide service to the proposed Pepperland Ranch development. More specifically, it is intended to supplement information provided in the form of a sufficiency review checklist sent to Brandon Dunn via e-mail on June 6, 2016.

Potable Water:

LCU's current total combined water treatment capacity is 45.9 million gallons per day (MGD). The Green Meadows Water Treatment Plant (WTP) is in the process of being expanded from 9.00 MGD to 14.00 MGD which will bring the total combined treatment capacity of the water system to 50.9 MGD. The projected water system demand included in LCU's Integrated Water Resource Master Plan indicates a total water system demand of 37.04 MGD annual average daily flow (AADF) in the year 2030. This represents a surplus capacity of 13.86 MGD. The 2015 annual average daily demand in LCU's water system was 23.41 MGD. The 2015 maximum month average daily demand in LCU's water system was 27.25 MGD. Based on the information presented above there is sufficient water treatment capacity to serve the proposed development.

Sanitary Sewer:

The current permitted treatment capacity of the Three Oaks Wastewater Treatment Plant (WWTP) is 6.0 MGD. The current annual average daily flow to the Three Oaks WWTP is 3.15 MGD. There currently is capacity at the Three Oaks WWTP to provide service to the proposed development. Regarding sufficient treatment capacity in the future, the following should be noted. LCU has recently completed a study of the Three Oaks WWTP service area which included a flow projection to the facility. This study was completed by a Consultant. The flow projection for this study was based on the Three Oaks WWTP future service area at the time the projection was completed.

November 28, 2016
Brandon Dunn
Page Two

The Pepperland Ranch project is currently not located within the Three Oaks WWTP future service area, therefore, the wastewater flow projected from the Pepperland Ranch development (140,000 gallons per day) was not included in the flow projection performed in the study referenced above. Utilizing the flow projection performed during the study referenced above the effect the Pepperland development projected flow will have on the available capacity at the Three Oaks WWTP can be determined. The flow projection was revised to add the flow generated from Pepperland Ranch as well as comprehensive plan amendments approved after the projection was performed. It was assumed that the Pepperland Ranch project would be fully built out by the year 2020. The revised projection indicates that the annual average daily flow to the Three Oaks WWTP will not exceed the permitted capacity until the year 2028.

Because the wastewater flow to the Three Oaks WWTP is projected to exceed the permitted capacity in the future, LCU has initiated a study to identify options for treatment of wastewater flows that are projected to be generated within the Three Oaks WWTP service area. This study is currently underway.

cc: Tom Mamott, DLCU
Rand Edelstein, DLCU
Nathan Beals, DLCU

To view the Pepperland Ranch application materials, please click on the link below:

<http://www.leegov.com/dcd/Documents/Agendas/LPA/2016/12/PepperlandRanchResubmittal.pdf>