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LETTER OF TRANSMITTAL

TO: Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901
- Brandon Dunn

DATE: 2017-03-14 **MDA PROJECT NO.: 14012**

ATTENTION:

RE: Timber Creek – Comprehensive Plan Amendment CPA2016-00007

We are sending you Attached Under separate cover VIA _____ the following items:

Copies	Date	No.	Description
6		1	CPA2016-00007 Applicants Report
6		2	Lee Plan Table 1b

These are transmitted as checked below:

- For approval
- For your use
- As requested
- For review and comment
- For bids due
- Approved as submitted
- Approved as noted
- Returned for corrections
- Resubmit
- Submit
- Return
- copies for approval
- copies for distribution
- corrected prints

Prints returned after loan to M-DA

RECEIVED
MAR 14 2017

REMARKS: Please see the attached, unused check. Should you have any questions or concerns please contact me. Thank you.

COMMUNITY DEVELOPMENT
CPA 2016-00007

COPY TO:

SIGNED: *Candace E. Woodworth*

Candace E. Woodworth
Engineering Technician

MORRIS

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Applicant's Report
Timber Creek
Comprehensive Plan Amendments
CPA2016-00007
Text and Map Amendment

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MAR 14 2017

COMMUNITY DEVELOPMENT

Part 1: Application Summary

A. Project Name: Timber Creek

B. Applicant/Representatives:

Applicant:

Lennar Corporation

Representative(s):

Mr. Steven C. Hartsell, Pavese Law Firm

Tina M. Ekblad, MPA, AICP, LEED AP, Morris-Depew Associates, Inc.

Shane Johnson, Passarella and Associates, Inc.

Ted Treesh, TR Transportation

David Brown, Progressive Water Resources

C. Amendment Request(s):

- i. Future Land Use Map Amendment to remove a total of ±628 acres of which ±479 acres of the total subject property is from the Density Reduction/Groundwater Resource and re-designate this portion of the property Sub-Outlying Suburban FLU. Designate ±149 acres of the subject property as Wetlands FLU.
- ii. Amend Future Land Use Map Series Map 1 Page 2 of 8 to eliminate the subject property from the Special Treatment Area for Community Planning Areas.
- iii. Amend Future Land Use Map Series Map 1 Page 4 of 8 to eliminate the subject property from the Special Treatment Area for Southeast Lee County.
- iv. Amend Future Land Use Map Series Map 4 to eliminate the property from the Private Recreational Facilities Overlay Map.
- v. Amend the Future Land Use Map Series Maps 6 and 7. Lee County Utilities Future Water & Sanitary Sewer Service Areas to extend the existing service area to cover the remainder of the subject property.
- vi. Amend Future Land Use Map Series Map 14 to eliminate the ±628 acres of the subject property from the Southeast Lee County Area of the Future Limerock Mining Overlay.
- vii. Amend Future Land Use Map Series Map 16 to remove ±628 acres of the subject property from the Southeast Lee County Planning Community and re-designate this portion of the property to the Gateway/Airport Planning Community.
- viii. Amend Future Land Use Map Series Map 17 to remove the subject property from the Southeast DR/GR Residential Overlay.
- ix. Amend Future Land Use Map Series Map 20 to remove the subject property from the Southeast Lee County Area of Contiguous AG Parcels over 100 acres in Non-Urban FLU.

CPA 2016-00007

- x. Amend Future Land Use Map Series Map 25 to remove the subject property from the Southeast Lee County Area of Historic Surface and Groundwater Levels Map.
- xi. Table 1(b) Amendment reallocating the ±628 acres from DR/GR to Sub-Outlying Suburban FLU.

D. Concurrent Application Review:

The Comprehensive Plan Amendment Application request for Timber Creek was filed April 29, 2016. The applicant also filed a companion Planned Development rezoning application (DCI2016-00015) that is being reviewed concurrently with the plan amendment application.

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 consider the concurrent rezoning request on the subject property.

DCI2016-00015 was filed on September 15, 2016, seeking to rezone ±695 acres from Agricultural (AG-2) to Residential Planned Development (RPD) on ±655 acres with a maximum of 1,315 dwelling units; and Mixed Use Planned Development (MPD) on ±40 acres with a maximum of 50 multi-family dwelling units, 250,000 square feet of commercial floor area, and 150 hotel rooms. It should be noted the zoning application includes ±67 acres within the Central Urban FLU category and designated a Community Mixed Use Activity Center node as additional lands from the Comprehensive Plan Amendment request.

Part 2: Property Information

A. Project Location/Site Description

The property is located at the southwest corner of the intersection of Daniels Parkway and Immokalee Road (SR 82). The size of subject property associated with the proposed comprehensive plan amendment is ±628 acres and is within the Density Reduction/Groundwater Resources (DR/GR) and Wetlands Future Land Use categories. The current zoning is AG-2 and is actively used as a cattle grazing pasture.

B. Urban Services

The Timber Creek subject property is located within an area of Lee County designated for urban services, which occur north of SR 82, adjacent to the western property boundary and southeast on Daniels Parkway. As such, all urban services are either located directly adjacent to or are available to serve the property, which are detailed below:

Utilities (Public sewer and water)

The subject property is already partially within the service area for Lee County Utilities and a Letter of Availability is on file to demonstrate adequate capacity is available to serve the proposed future development. The comprehensive plan amendment request includes an amendment to Future Land Use Maps 6 and 7 to extend the existing Lee County Utilities

service area to the remainder of the subject property for providing central water and sewer services to the future development.

Paved Streets/Roads

The arterial roadways, State Road 82 (Immokalee Road) and Daniels Parkway are adjacent to the north and southeastern property boundaries respectively. The concurrent planned development demonstrates multiple direct access points to SR 82 and Daniels Parkway.

Public Transit (Lee Tran)

The property is not served by Lee Tran and a bus route does not extend to the intersection of SR 82 and Daniels Parkway.

Parks and Recreation Facilities

The proposed development is located within the "East" parks and recreation district. There are a variety of existing parks and recreation facilities within relatively short distances to the subject property, such as the Wild Turkey Strand Preserve, JetBlue Park and Sports Fields, and Veterans Park and Recreation Center. There are adequate existing facilities within the East district to serve the projected demand from the proposed development.

Public Safety (Police, Fire, and EMS)

The subject property is able to be served by multiple providers for Emergency Medical Services, Fire and Police. Letters of Availability are on file indicating these entities are able to serve the future development. Lee County Emergency Medical Services is the primary EMS transport for the subject property. The subject property is also served by two Fire Districts, the South Trail and Lehigh Acres Fire Districts. The subject property is located wholly within the service area for the Lee County Sheriff.

Surface Water Management

A centralized stormwater management system has been designed for the subject property and is currently under review as part of the Environmental Resource Permit process with the South Florida Water Management District. The future development of the subject property will be consistent with the requirements of Policy 95.1.3 of the Lee Plan and the minimum Level of Service for stormwater management upon the issuance of the Environmental Resource Permit by the South Florida Water Management District

Schools

The subject property is within the Lee County School District East Zone, E2. The Letter of Availability on file indicates there is capacity (available seats) within the entire school district to accommodate the additional school age population which are projected by the requested 1,315 dwelling units.

Employment, Industrial, and Commercial Centers

The proposed development is located in the vicinity of a select number of top employment/industrial/commercial centers in Lee County; such as various commercial and

industrial businesses at the Gateway Business Park (3 miles west), which include Gartner, Inc., Alta Resources and the Lee County Port Authority/Southwest Florida International Airport and surrounding office/industrial parks to the south (within approximately 10 miles), and the Florida Gulf Coast University campus (approximately 13 miles to the south).

Solid Waste

The property is within the Lee County Solid Waste Franchise – Service Area 3 and is served through Lee County's franchised hauling contractor. Disposal of waste generated from the subject property will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. The Letter of Availability on file indicates service is available to the subject property and plans have been established that target growth and long term disposal capacity for this particular area.

C. Future Land Use Designation and Planning Community

The current Future Land Use category for the property is Density Reduction/Groundwater Resources (DR/GR) and Wetlands. The applicant is requesting a Future Land Use Map Amendment to remove ±479 acres of the subject property from the Density Reduction/Groundwater Resource and re-designate this portion of the property Sub-Outlying Suburban FLU and to designate the remaining ±149 acres of the subject property as Wetlands FLU.

Density Reduction/Groundwater Resource – ±479 Acres

Policy 1.4.5 of the Lee Plan defines the Density Reduction Groundwater Resource (DR/GR) Future Land Use category as an area comprised of uplands providing substantial recharge to aquifers, which are suitable for future wellfield development. Development within the DR/GR is required to demonstrate compatibility with maintaining surface and ground water levels at their historic levels. The permitted land uses, include agriculture, natural resource extraction and related facilities, conservation, public and private recreation facilities, and residential uses.

The applicant is requesting ±479 acres of the subject property be amended from DR/GR to Sub-Outlying Suburban on the Future Land Use Map. Further discussion and analysis is provided in Part 4 of this report addressing this request. However, the property does not incorporate the three common elements of the DR/GR Future Land Use category:

1. Aquifer Recharge;
2. Surface water flow and interconnectivity; and
3. Wetland and Wildlife habitat interconnectivity.

The total ±628 acre subject property is triangular in shape and bounded on the west side by Gateway, on the north side by SR 82, and on the southeast side by Daniels Parkway, the two latter being existing arterial roadways. The western boundary of the subject property is adjacent to the master planned community of Gateway. Internally the subject property has been significantly disturbed over the last several decades as a result of military exercises and agricultural use.

The subject property is separated from the majority of the DR/GR land use category within Lee County by Daniels Parkway as well as berms and other improvements that exist under Daniels Parkway and on the property to the southeast. These improvements ensure water and wildlife do not freely flow from Timber Creek to the surrounding properties. Therefore, the subject property does not provide regional hydrological or wildlife connections to the larger DR/GR Future Land Use and Southeast Lee County Planning Community southeast of Daniels Parkway. Due to the lack of connections and the inability of the property to meet the intent of the DR/GR FLU, the applicant is requesting the subject property be placed within the Sub-Outlying Suburban FLU category. Further discussion and analysis is provided in Part 4 of this report addressing this request.

Wetlands - ±149 Acres

The DR/GR Future Land Use category is a major portion of the subject property; however, this land use only governs the upland areas. The Wetlands FLU category is also a portion of the subject property and governs the areas identified as Wetlands per aerial imagery. Lee Plan Policy 1.5.1, permits low-density residential and recreational uses within the Wetland Future Land Use category. However, development may not negatively affect ecological functions and the maximum permitted density is one dwelling unit per 20 acres (1DU/20 AC).

The subject property has approximately ±149 acres of wetlands per a jurisdictional determination and a confirmation letter received from the South Florida Water Management District.

Southeast Lee County Planning Community

The Southeast Lee County Planning Community vision emphasizes the fact that the majority of the community is designated as Density Reduction/Groundwater Resource, Conservation Lands, and Wetlands. The vision also confirms uses ranging from regional mining operations, golf courses, agricultural uses, to large lot residential uses. Consistent with the Vision Statement, the subject property is within the Southeast Lee County Planning Community and as previously noted, the property lies northwest of Daniels Parkway and adjacent to Gateway.

The proposed Comprehensive Plan Amendment includes a request to amend Map 16 and Table 1(b) to place the property in the Gateway/Airport Planning Community of which the subject property is contiguous. This requested amendment to remove the subject property from the Southeast Lee County Planning Community is consistent with the requested amendment to the subject property's future land use. Due to the lack of ecological and hydrological connections, the subject property cannot meet the intent of the Southeast Planning Community. Further discussion and analysis is provided in Part 4 of this report addressing this request.

Part 3: Surrounding Properties

The Timber Creek property is surrounded by a mix of uses in an area of Lee County that has significant residential and airport related development as well as vacant land and preservation areas.

	Future Land Use	Zoning	Relevant Notes
North	Central Urban, Urban Community	RM-2, RS-1	Single & Multi Family, Commercial and Vacant
South	DR/GR, Airport, Tradeport	AOPD, AG-2	Airport, Vacant, Agricultural Activities
East	DR/GR, Conservation Lands	AG-2	Vacant, Residential, County Lands
West	New Community, Public Facilities,	MPD, PUD	Single & Multi Family, Commercial, Industrial, Airport Related

North

The property's northern boundary is adjacent to SR 82, also known as Immokalee Road, a two-lane arterial east/west roadway. This roadway is planned by the Florida Department of Transportation to expand the lanes of service as well as implement a continuous flow intersection. Work is due to commence in mid-2017, for the approved six-laning of SR 82. On the northern side of SR 82 is the platted community of Lehigh Acres, which is more than 500 acres of single and multi-family residential. This portion of the Lehigh Community is within the Central Urban Future Land Use which permits 10 dwelling units to the acre. Further to the north/northeast of the subject property, these properties are designated Urban Community on the Future Land Use Map. The Lehigh Community is in various stages of build out. Many of the approximately ¼ acre parcels near the intersection of SR 82 and Daniels Parkway have been developed with single family homes. Some parcels immediately adjacent to SR 82 are available for commercial development. Lee County and the Lehigh Community Plan encourage the development of commercial uses adjacent to major arterial roadways, as a result, some minor commercial uses exist along SR 82 and Gunnery Road (the name of Daniels Parkway north of SR 82). In the vicinity of the subject property, the platted lots in Lehigh are zoned for commercial development and have been previously cleared and remain vacant.

Southeast

To the south/southeast of the subject property across Daniels Parkway, a 4-lane arterial roadway running northeast/southwest, is the Southwest Florida International Airport as well as additional parcels owned by the Jared F. Holes Trust. The airport occupies a majority of land southeast of Daniels Parkway and I-75 exchange. According to the Airport Layout Plan, the development of the airport will take place in two phases and is expected to extend into the year 2025. The Airport Layout Plan indicates that at some point in the future an expansion will occur for a second runway to be located south of the current runway. In addition, Commercial, Retail and Industrial Flex Spaces are proposed to be added to the airport in the future. Most of these services will be located along the northern boundary of the airport adjacent to Daniels Parkway, with a minor amount located adjacent to Daniels Preserve north of Daniels Parkway. Again, to the southeast of the subject property and adjacent to Daniels Parkway, are additional agricultural lands, which

like the subject property have been previously disturbed by similar military and agricultural activities. The lands south/southeast of the subject property are designated DR/GR, Airport, and Tradeport.

East/Southeast

The subject property is bounded to the east/southeast by Daniels Parkway and a ±67 acre parcel within the Central Urban FLU and Lehigh Acres Planning Community. The ±67 acres not subject to this comprehensive plan amendment is proposed to be ±27 acres within a Residential Planned Development with a mix of multi-family uses and ±40 acres within a Mixed Use Planned Development with Multi-family residential and commercial uses. The 67 acres within the Central Urban Future Land Use Category and may be developed in the future with residential uses from 4 to 10 units per acre and high intensity commercial uses. The lands southeast of Daniels Parkway do not have entitlements and are within the Central Urban, DR/GR, Conservation Lands Upland, and Wetlands Future Land Use categories. The upland portions of the property have been cleared for a previous agricultural operation.

West

The Gateway Community PUD and DRI is located adjacent to the western boundary of the subject property. This planned development is mostly built out with single family residential homes and is mostly within the New Community future land use category which permits 6 dwelling units per acre. A portion of the Gateway Community adjacent to the subject property is utilized for recreational facilities as well as water and wastewater utilities, which are within the Public Facilities Future Land Use category. The entirety of the Gateway Community supports mostly single family with some multi-family residential, golf courses, soccer fields, a charter school, and neighborhood supporting commercial uses. The commercial uses include Bank of America, Gartner, Comcast, 7-11, local restaurants and Office/Business Complexes with multiple users. The Gateway DRI Development Order was amended in 2013 by resolution Z-13-013, to allow 4,585 dwelling units and 1,950,000 SF of Business, Office and Commercial Uses.

The Daniels Preserve Mixed Use Planned Development is located adjacent to the southwest boundary of the subject property, abutting Daniels Parkway. Daniels Preserve is partially developed with Residential and Commercial uses. The property was approved for development by Resolution Z-11-016 for a maximum of 876 dwelling units (approximately 10 dwelling units per acre), maximum of 606,675 square feet of industrial floor area, maximum of 30,000 square feet of commercial office and a maximum of 45,000 square feet of commercial retail uses. The portion of the development area closest to the subject property is allocated toward Industrial Uses.

Part 4: Discussion and Analysis

A. LEE PLAN BACKGROUND

The requested amendments to the Lee Plan will remove ±479 acres of the subject property from the Density Reduction/Groundwater Resource and re-designate this portion of the property Sub-Outlying Suburban FLU. This request will also designate ±149 acres of the subject property as Wetlands FLU. The following provides a background discussion and analysis regarding the existing DR/GR FLU category and the Southeast Lee County Planning Community, their relation to the subject property, and the analysis of the applicant's data providing the basis to remove the subject property from the DR/GR FLU category and the Southeast Lee County Planning Community.

Density Reduction/Groundwater Resource (DR/GR):

The DR/GR FLU category 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 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.

The DR/GR FLU category per Policy 1.4.5 of the Lee Plan supports Objective 1.4 "Non-Urban Areas," which is to establish areas of Lee County that "are not anticipated for urban development at this time." Policy 1.4.5 Density Reduction/Groundwater Resource (DR/GR) supports the historical intent of the 1990 Stipulated Settlement Agreement by providing areas in the County "...that provide substantial recharge to aquifers most suitable for future wellfield development. These areas are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed."

Southeast Lee Planning Community

To supplement the DR/GR Future Land Use category the Southeast Lee County Planning Community identifies appropriate land uses per Lee Plan Goal 33 and its subsequent Objectives and Policies which are based on the July 2008 Dover, Kohl & Partners Prospectus for Southeast Lee County (2008 Prospects) and the July 2009 Dover, Kohl & Partners' Natural Resources Strategies for Southeast Lee County (2009 Strategies). These studies underscore the importance of finding a balance between Southeast Lee County's predominate uses – agriculture, resources extraction (water and aggregate), residential and conservation. In addition, these studies led to the adoption of Goal 33: Southeast Lee County which reiterates

the importance of water resources in the south-east portion of the county and introduced the protection of natural habitat as a planning goal for this portion of the County.

Together, the DR/GR Future Land Use and the Southeast Lee Planning Community seek to promote regional interconnections for water and environmental resources to improve groundwater recharge, surface water flow and wildlife habitat connections. Requests for future development within Southeast Lee and the DR/GR FLU must be evaluated based whether these conditions exist or can be restored.

B. DR/GR FUTURE LAND USE INAPPROPRIATE

The Lee Plan policies and objectives of the DR/GR FLU and Southeast Lee Planning Community seek to minimize the impacts of development on valuable water resources, natural systems, residential areas and the road system. To minimize these impacts, the Plan ensures that future development demonstrate compatibility with maintaining surface and groundwater levels at their historic levels and protecting natural habitat.

Groundwater

Lee Plan Policy 1.4.5 describes the DR/GR Future land as “upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers...” The Timber Creek property exhibits substantially different hydrological characteristics from the remainder of the DR/GR in two ways:

- A. Prime recharge is not provided; and
- B. Limestone is limited and/or potentially absent

The property does not provide prime recharge due to the hydrogeology of the site that separates the shallow Water Table Aquifer from the underlying Sandstone Aquifer. Due to the existing internal agricultural drainage ditches directing surface water flow (stormwater) away from the upland areas, the recharge rate for the subject property is therefore considered low. The applicant has provided soil borings demonstrating there are thick clayey sediments in the area of the subject property which restrict surface water from infiltrating into the ground and recharging the underlying aquifers. The soil borings provided by the applicant also compare the conditions in the vicinity of the subject property to the remainder of the DR/GR. This comparison demonstrates the hydrogeology in the vicinity of Timber Creek is distinctly different from the remainder of the DR/GR which typically exhibits a thick limestone layer that is in excess of 100 feet in some locations. The thick limestone layer in the remainder of the DR/GR is more prone to accepting recharge during the rainy season than the subject property.

Consistent with Policy 33.2.7 which requires modeling to be completed to identify the impacts of proposed development, the applicant provided a detailed analysis of the existing conditions and the future development conditions of the subject property. The proposed

development will have no adverse impacts to adjacent properties, existing legal users or groundwater resources.

POLICY 33.2.7: Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site specific data to assess potential adverse impacts to water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure the protection of Lee County's natural resources.

The characteristics of the subject property do not permit substantial recharge to aquifers due the existing internal drainage ditches and low permeability clayey sediments. Therefore, the subject property does not and cannot meet the intent of the DR/GR Future Land Use and Southeast Lee County Planning Community.

Topography & Flatness of the Property

Lee Plan Policy 1.4.5 requires that new land uses within the DR/GR must demonstrate compatibility with maintaining surface water at their historic levels. The subject property is highly disturbed and has been for decades. The property from the early 1940s was part of a military training facility, during which time the property was extensively cleared for the installation of a US Army Air Corps Air Field Artillery Range. The two historic range facilities on-site are triangular shaped, bermed, "Coat Hanger" areas, and are clearly visible on 1944 historic aerials. The disturbance of the subject property continued into the 1950s when the central portion of the property was cleared for the installation of row crop activities. Historic aerials confirm that row cropping activity began by 1958 and extended into the southeast portion of the property by 1968. During the same time frame, clearing for the Florida Power and Light (FPL) electrical transmission line began in the southern portion of the property and roads were cleared and constructed as part of Lehigh Acres. Agricultural activities on the subject property also included the installation of large drainage ditches across the site, particularly in the wetland systems, to facilitate drainage. Row crop farming activities were recently discontinued and the property is currently used for cattle grazing. Portions of Gateway were developed and under construction west of the project by 1996 and by 2001, the Daniels Parkway extension had been constructed along the eastern boundary of the property.

The development of the north/south and east/west drainage ditches to support the agricultural operations on the subject property interrupted the natural westward flow of surface water on the property and shift the flow to the north and west.

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also

are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal facilities exist or are programmed.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.5) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream

Lee Plan Policy 33.2.2 identifies locations for interconnections and restoration efforts to restore historic surface water levels. According, to the *2008 Prospectus for Lee County*, the restoration of historic surface water flows within the DR/GR through major flowways is to support the "larger water migration in the Estero Bay" watershed. However, the subject property is within the Six Mile Cypress Watershed. In addition, Daniels Parkway severs the subject property from the remainder of the DR/GR and existing culverts under Daniels Parkway only permit a minimal amount of surface water from passing underneath Daniels Parkway. A historic elevated farm road also exists east of Daniels Parkway, which was established prior to 1953, and further isolates the Timber Creek property from the balance of the DR/GR. There is no naturally defined surface water connection from the historic farm road west to the Timber Creek Property. Nor can one be established due to these existing conditions.

Policy 33.2.2: The DR/GR 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 (see Policy 1.7.7 and Map 1, Page 4). This overlay identifies seven tiers of land potentially eligible for protection and restoration, with Tier 1 and Tier 2 being the highest priority for protection from irreversible land-use changes. Lee County will evaluate this overlay map every 7 years to determine if changes in public ownership, land use, new scientific data, and/or demands on natural resources justify updating this map. This overlay does not restrict the use of the land in and of itself. It will be utilized as the basis for incentives and for informational purposes since this map will represent a composite of potential restoration and acquisition activities in the County.

The subject property does not and cannot support the maintenance of historic surface water flows within the DR/GR due to the property's location in a separate surface water basin and the historic elevated farm road east which eliminates any surface water connection. In addition, the existing infrastructure improvements adjacent to the Timber Creek property boundaries severely limit surface water flows underneath Daniels Parkway.

Wildlife Habitat

Objective 33.2 and its implementing policies 33.2.1 and 33.2.2 seek to protect and restore wetlands and wildlife habitat where connections to a larger regional corridors and conservation areas can be made. Historically, the wetlands on the subject property were isolated and depressional in nature, and due to these characteristics, they tended to hold surface water rather than conveying it through a continuous flowing system off-site. Currently, the highly disturbed and isolated nature of the subject property does not promote large-scale ecosystem integrity as required by Policy 33.2.1 for properties within the DR/GR. Historic activities on the property have altered the hydrology of the native wetland systems resulting in high levels of exotic infestation. The cattle operation on the property has also led to the over grazing of native vegetation and degradation of water quality within the on-site wetland systems.

In addition to the alterations that have occurred to the native habitat on-site, the conditions surrounding the subject property eliminate the ability for lack of wetland and wildlife habitat connections. The northern boundary of the subject property is SR 82 and further north is the platted community of Lehigh Acres, which does not have a central stormwater management system and has been cleared eliminating the opportunity to make distinct wetland and wildlife interconnections to the subject property. The property's southeastern boundary is Daniels Parkway and further east are additional agricultural fields, which have also eliminated the opportunity for wetland and wildlife interconnections to the subject property. The western boundary of the subject property is the master planned community of Gateway which is almost at buildout and has existing residential neighborhoods, a community park, and utilities infrastructure along the boundary with Timber Creek, eliminating the opportunity for wetland and wildlife interconnections. The applicant has provided materials demonstrating a lack of telemetry data points on the subject property further supporting the lack of interconnection for wildlife with the surrounding lands.

Objective 33.2: WATER, HABITAT, AND OTHER NATURAL RESOURCES.

Designate on a Future Land Use Map overlay the land in Southeast Lee County that is more critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.

POLICY 33.2.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land

Development Code by 2012 or within planned development zoning approvals as established in Objective 33.3.

POLICY 33.2.2: The DR/GR 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 (see Policy 1.7.7 and Map 1, Page 4). This overlay identifies seven tiers of land potentially eligible for protection and restoration, with Tier 1 and Tier 2 being the highest priority for protection from irreversible land-use changes. Lee County will evaluate this overlay map every 7 years to determine if changes in public ownership, land use, new scientific data, and/or demands on natural resources justify updating this map. This overlay does not restrict the use of the land in and of itself. It will be utilized as the basis for incentives and for informational purposes since this map will represent a composite of potential restoration and acquisition activities in the County.

The conditions of the subject property and surrounding infrastructure and development do not and cannot support interconnections for wetlands and wildlife habitat from Timber Creek to the remainder of the DR/GR. Based on the analysis provided, the Timber Creek property is clearly separate from and not integral in the "large-scale ecosystem" of Southeast Lee County as intended in Policy 33.2.1.

C. SUB-OUTLYING SUBURBAN FUTURE LAND USE

Due to the inability of the property to meet the intent of the DR/GR Future Land Use, the applicant's request to place the property within the Sub-Outlying Suburban is appropriate. The Sub-Outlying Suburban FLU category is a low density residential category, which provides a transitional density from the existing surrounding residential communities to the DR/GR lands across Daniels Parkway.

Policy 1.1.11 describes the Sub-Outlying Suburban areas as "residential areas that are predominantly low density development.... 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." The density range within the Sub-Outlying Suburban FLU category is from 1 to 2 dwelling units per acre (du/acre).

The requested future land use category would promote low density development on the subject property which would provide a step-down transition from the adjacent Lehigh Acres Community at 10 units per acre and master planned community of Gateway at 6 units per acre to the remaining DR/GR lands east of Daniels Parkway. The location of the property is in between areas already established with residential communities, some commercial development, and access to regional employment centers south on Daniels Parkway as well as urban services necessary to support the requested development.

On the ±628 acres to be placed within the Sub-Outlying Suburban FLU a maximum of 1,256 dwelling units could be permitted. Similar to the adjacent community of Gateway the concurrent planned development application demonstrates the proposed Timber Creek residential community will also be a master planned community with a meandering transportation network promoting pedestrian walkability, multi-modal connectivity and various sized home sites clustered and distributed across the property among open spaces and manmade waterbodies. The requested density will be directed toward the northwest portion of the property enabling the preservation of the limited existing wetland and indigenous habitat that further promotes the transitional nature of the property from the surrounding residential developments.

The requested FLU category provides for lower densities appropriate for the site's transitional location and promotes an infill use of the subject property appropriate to its location bounded by two intersecting arterial roadways adjacent to existing suburban and urban residential communities.

4. GATEWAY/AIRPORT PLANNING COMMUNITY:

Due to the inability of the property to meet the intent of the Southeast Lee Planning Community, the applicant's request to amend Future Land Use Map Series Map 16 to remove ±628 acres of the subject property from the Southeast Lee County Planning Community and re-designate this portion of the property to the Gateway/Airport Planning Community is appropriate.

The Gateway/Airport Planning Community is described in the Vision Statement of the Lee Plan as being "located South of SR 82, generally east of I-75 and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the city of Fort Myers..." The subject property is consistent with this language as it is also located South of SR 82, east of I-75 and north of Alico Road. The vision for the Gateway portion of this planning community is where "residential uses will occur." The subject property is not within the Gateway Development of Regional Impact; however, as per the concurrent planned development application it is proposed to be a master planned community with a residential development pattern, central stormwater management system, central irrigation system and housing types consistent with those of the Gateway community.

The requested amendments to the Map Series of the Lee Plan are to support the re-designation of the property to the Gateway/Airport Planning Community. The concurrent planned development includes a Master Concept Plan (MCP), which aligns consistently and significantly with the development trends in the Gateway/Airport Planning Community subarea "Gateway." The proposed future development fully complements the overall "Gateway" development patterns implemented over the last few decades. "Gateway" was approved as a DRI in 1985 and zoned as a Planned Unit Development (PUD) for a mixture of residential housing types, commercial uses, and various support and ancillary uses, such as

schools, churches, golf and recreational facilities. "Gateway" follows a specific development trend of a more clustered development layout, diverse housing types to include villas and multi-family condos, and a meandering street network around various natural and manmade water and open space features. The proposed planned development associated with the subject property is of a similar suburban form and consistent with the "Gateway" subarea community.

5. TABLE 1(b)

As a result of the amendment request to remove the property from the Southeast Lee County Planning Community and into the Gateway/Airport Planning Community, it is necessary to amend Table 1(b) Year 2030 Allocation within the Lee Plan.

The amended Table 1(b) (See Attachment 1) indicates that the ±628 acres of the subject property will be allocated to the Gateway/Airport Planning Community. The acreage associated with the amendment request is broken down into three categories. The first, 227 acres will be placed within the Sub-Outlying Suburban FLU Category and represents the acreage to be utilized for the development of residential units (rooftops) per the master concept plan submitted as part of the concurrent planned development application. Second, 252 acres is attributed to Public land area which represents the areas utilized for rights-of-way, open space, stormwater management, etc. and finally 149 acres to Conservation land which represents the jurisdictional wetlands identified on the property. To remain consistent, Table 1(b) also reflects the reduction total of 628 acres from the Southeast Lee County Planning Community and allocated out to 479 acres removed from Passive Agriculture (AG) land and 149 acres of Conservation land.

Part 5: Conclusions

The Lee Plan is a comprehensive document that enables Lee County to implement its preferred vision for the future. The current Lee Plan, depicts what Lee County is expected to look like by 2030 in terms of patterns of growth, protection of natural resources and the character of communities within the County. However, the Lee Plan is not a static document, changing conditions throughout the County will impact the implementation of the Lee Plan, and these factors should be reviewed on a case by case basis – the Comprehensive Plan Amendment process.

When considering a change from the DR/GR Future Land Use Category and Southeast Lee County Planning Community the written intent provided in the Lee Plan must be the guide for review. There are three common elements across the Goals Objectives and Policies that implement the DR/GR Future Land Use and Southeast Lee Planning Community:

AQUIFER RECHARGE

The data and analysis provided demonstrates that the Timber Creek property does not provide prime recharge due to the existing drainage ditches and presence of thick clay and lack of limestone.

SURFACE WATER FLOW & INTERCONNECTICITY

The subject property has been disturbed for agricultural activities which have altered the flow of surface water and the two arterial roadways that bound the property on the north and east boundaries significantly limit the flow of surface water from the Timber Creek property to the east. Furthermore, the property is within the Six Mile Cypress Watershed and unconnected to the Estero Bay Watershed.

WETLAND & WILDLIFE HABITAT INTERCONNECTIVITY

The existing wetlands on the subject property did not convey surface water in their historical condition. After the years of agricultural activity, the hydrology of these wetlands has been further altered leading to high levels of exotic infestation. The two arterial roadways bounding the north and east property boundaries and master planned community to the west also eliminate the opportunities for interconnection with the subject property for wetlands and wildlife to the east. Telemetry data provided demonstrates that the property is currently not utilized by wildlife.

The request to place the subject property within the Sub-Outlying Suburban Future Land Use and Gateway/Airport Planning Community is appropriate at that this location. Due to the characteristics and limitations that prevent the property from supporting the intent of the DR/GR and Southeast Planning Community.