

December 19, 2001

Bernard Piawah
Florida Department of Community Affairs
2555 Shumard Oak Blvd
Tallahassee, FL 32399-2100

RE: Boca Bay Lee Plan Amendment
Amendment number CPA2000-02

Dear Mr. Piawah,

Per your suggestion, here is the revised language for CPA2000-02 in strikeout/underlined format. We've added some examples of the uses listed in the resolutions concerning Boca Bay. These are not all the uses permitted by the resolutions, but rather some of the more commercial ones.

Policy 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054 such as a tennis club with food service and consumption on premises, pro shop, maintenance and shop facilities, health clubs, day care centers, etc....) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District.

Lee County Planning staff would appreciate any comments or recommendations you might have. Feel free to call me at (941) 479-8312.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning Division



Peter Blackwell
Planner

PCB



LEE COUNTY

SOUTHWEST FLORIDA

DIVISION OF PLANNING FACSIMILE

P.O. Box 398
Fort Myers, FL 33902
(941) 479-8585
Fax: (941) 479 8319

To: <i>PAM MAY FORD</i>	Date: <i>12/5/01</i>
Fax #: <i>334 - 0708</i>	Pages: <i>2</i> , including this cover sheet.
From: <i>PETER BLACKWELL, PLANNER</i>	
Subject: <i>MAP FOR THE ESTERO 60 ACRES LAND TRUST</i>	

COMMENTS:

November 29, 2001

Ms. Beverly Grady
Roetzel & Andress
2320 First St
Suite 1000
Fort Myers, FL 33901-3419

RE: Boca Grande plan amendment
Lee Plan Amendment: CPA2000-02

Dear Ms. Grady,

The Florida Department of Community Affairs (DCA) has issued its Objections, Recommendations, and Comment (ORC) Report (attached) for the Lee Plan amendments that were transmitted by the Board of County Commissioners on August 29, 2001. The DCA has stated an objection concerning the privately initiated Lee Plan Amendment CPA2000-02. The title of the specific section refers to "PAT 99-20," but the text of the report refers to Lee Plan Policy 15.5.1 which is only in Lee Plan Amendment CPA2000-02. The DCA is recommending that the policy be modified to "specify the commercial and industrial uses that are allowed in the Port District."

It is the County's policy that it is the responsibility of the applicant to respond to any objections or concerns identified in an ORC report for privately initiated amendments. Staff estimates that the adoption hearing will be held during the week of January 14, 2002. That would make your submittal to staff due prior to the Christmas Holidays.

If I can be of assistance or if you have any questions regarding this matter please feel free to call me at the above referenced number.




Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning Division

Peter Blackwell
Planner

PCB

cc:

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Request to double development density on Estero parcel in Lee County's hands

Wednesday, November 28, 2001

By CHARLIE WHITEHEAD, ckwhitehead@naplesnews.com

The state report on a request to double the development density on 60 acres in Estero made its way to Lee County offices this week, and it raises the same objections and asks the same questions county planners did three months ago.

The property is too environmentally sensitive, and upping the density there could bring harm to the neighboring preserve, the state report says. It would also add more traffic to U.S. 41, which already carries more traffic than it can handle.

The land in question is nestled between U.S. 41 and the Estero Scrub Preserve that buffers Estero Bay at the western end of Pine Road. A trust that includes local real estate agent Andy Desalvo has owned the land since before the state bought the preserve, then itself on the brink of development. Its current land-use plan designation would allow the construction of only one home for every acre, or 60 homes.

The requested change would double the density, potentially allowing 120 homes.

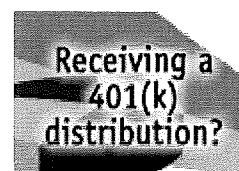
County commissioners voted 5-0 in late August to forward the owners' request to the state Department of Community Affairs for review. Even in a unanimous vote, however, commissioners let it be known they still had questions. Commissioners will hear the request again, probably early in 2002, and will then vote whether to approve the changes.

"It means more expense and more time, responding once again to what we think are the same issues," Desalvo said.

County planning chief Paul O'Connor said the state report wasn't a surprise to him. County planners told commissioners before their vote that the proposed plan amendment ran counter to both county and state planning goals.



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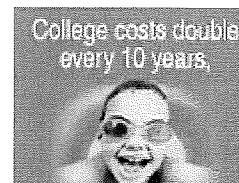
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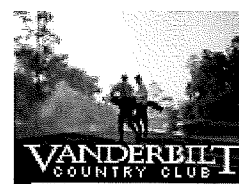
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"They were just kind of regurgitating our staff report," O'Connor said. "I guess our response is going to be to tell the applicant about it and let them deal with it."

Desalvo said that it's difficult for him, because some of the state's conclusions run counter to the data that's already been presented. The requested change has been heard by the Local Planning Agency, Lee County Commission and the Southwest Florida Regional Planning Council, each of which recommended at least getting the state's input.

Desalvo pointed to the state's conclusion that developing the parcel might have an impact on threatened or endangered species and on the neighboring preserve.

"My recollection is that all the supporting documentation is exactly the opposite of that," he said. "But we're going to review the (report) and complete the species survey, something that's generally not required for a land-use plan, but we're going to do it."


Commissioner Ray Judah cast his vote in August to forward the request, but says if the state has objections he will back them up.


"I certainly believe it's appropriate for the state to seek additional answers," he said. "If the state responds with an objection, I'll certainly support the state position. I don't want us to be inconsistent with the state."


The county's growth management plan has been deemed consistent by the state for the past few years, after years of disagreement. If commissioners vote to adopt the change despite state objections, the state can deem it inconsistent and challenge it before a hearing officer.

Desalvo said he will again address the issues when commissioners revisit the request.

"We want the county commissioners to have all the information they need," he said. "We think it's pretty black and white."

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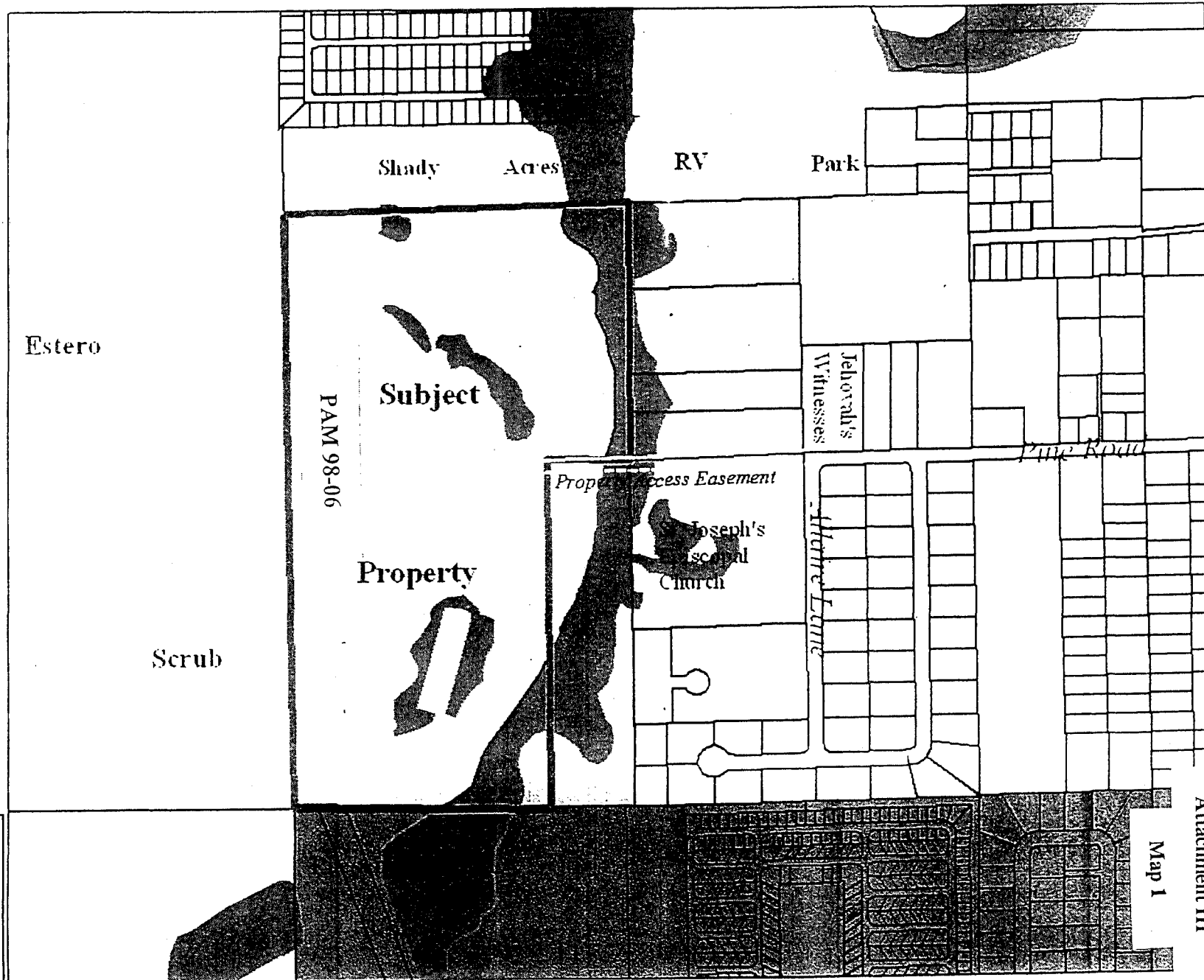
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Proposed Future Land Use Map



FLUM Designations

-  Wetlands
-  Rural
-  Suburban
-  Urban Community
-  Outlying Suburban

0 125 250 500 750 Feet

Map 1

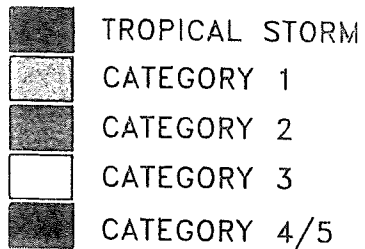
Agenda Item 3(b)1
Attachment III

THE CITY OF
DIVISION OF PLANNING

PLATE 6

LEE COUNTY, FLORIDA
LANDFALLING STORM

LEGEND STORM SURGE



6.6 SPOT ELEVATION

Map 2

PAM 98-06

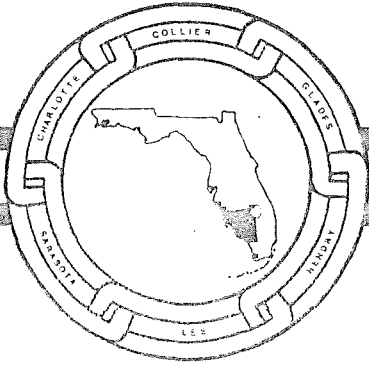
TROPICAL STORM

CATEGORY 1

CATEGORY 2

CATEGORY 3

Substation
BM 10

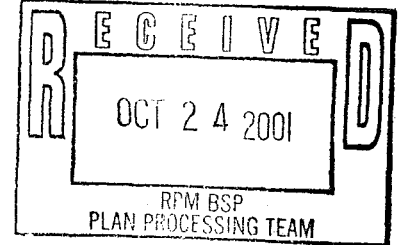


Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (941) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX 941-656-7724



*9RW
10-24-01*

October 22, 2001

Mr. D. Ray Eubanks
Community Program Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Lee County/DCA 01-1

On October 18, the Southwest Florida Regional Planning Council reviewed the 24 proposed amendments 98-06 through 00-31 to the Comprehensive Plan of Lee County. That review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council approved staff comments that of the 14 Regionally Significant proposed amendments, only PAM 98-06 required mitigation to be consistent with the Strategic Regional Policy Plan, August 1995. The other 10 proposed amendments were found to be of no regional significance. Copies of the SWFRPC approved staff comments are attached.

Sincerely,
Southwest Florida Regional Planning Council

John E. Daltry FOR

Wayne E. Daltry
Executive Director

WED/JR
Attachment

c: Paul O'Connor, Director, Division of Planning, Lee County



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Agenda Item 3(b)1

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

Staff of the Regional Planning Council has reviewed 24 various proposed amendments (98-06 through 00-31) to the Lee Plan transmitted on September 12, 2001, by the Lee County Board of Commissioners. The amendments were developed and reviewed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Attachment III contains maps of proposed FLUM amendments, and Attachment IV lists related jurisdictions notified of the proposed amendments.

Staff reviews proposed amendments for the following factors of regional significance, and when significant, for consistency with the Strategic Regional Policy Plan, August 1995 (SRPP).

1. Location-in or near a regional resource or regional activity center; on or within two miles of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
- 2 Magnitude--equal to or greater than 80% of the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
- 3.Character-of a unique type or use, directly identified as a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction.

The following table summarizes the staff review of the 24 proposed amendments:

<u>Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent with SRPP</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
PAM 98-06	yes	no	yes	Mitigation required.
PAT 98-14	no	no	yes	yes
PAT 99-20	yes	yes	no	yes
CPA2000-02	no	no	no	n/a
CPA2000-03	yes	no	no	yes
CPA2000-06	no	no	no	n/a
CPA2000-07	no	no	no	n/a
CPA2000-08	no	no	no	n/a
CPA2000-09	yes	yes	yes	yes
CPA2000-10	yes	yes	yes	yes
CPA2000-11	no	no	no	n/a
CPA2000-13	no	no	yes	yes
CPA2000-14	no	no	no	n/a

10/01

LEE COUNTY (continued)

<u>Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent with SRPP</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
CPA2000-15	no	no	no	n/a
CPA2000-17	yes	no	yes	yes
CPA2000-19	yes	yes	no	yes
CPA2000-21	yes	no	yes	yes
CPA2000-22	yes	yes	yes	yes
CPA2000-23	yes	yes	yes	yes
CPA2000-25	yes	yes	yes	yes
CPA2000-26	no	no	no	n/a
CPA2000-27	no	no	no	n/a
CPA2000-29	no	no	yes	yes
CPA2000-31	no	no	no	n/a

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

SWFRPC COMMENTS
24 Proposed Lee County Comprehensive Plan Amendments

Background and Purpose of PAM 98-06

This proposal would amend the Future Land Use Map from *Rural* to *Outlying Suburban* for 51.63 acres of land adjacent to the Estero Scrub Preserve. (See Map #1, Attachment III) The proposal lies west of the current terminus of Pine Road west of U.S. 41 in Estero.

Regional Significance and Consistency - Of the 15 issues identified with this proposal in the County staff report, the following appear to be inconsistent with the SRPP:

The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46, the number of vehicles evacuating in a hurricane from 58 to 116, and the number of people evacuating from 109 to 218. (See Map # 2, Attachment III.)

These issues could be resolved by clustering and elevating any development on the site to make the proposal consistent with the following goal and policy of the Strategic Regional Policy Plan, August 1995:

III. Emergency Preparedness

Goal III-2: Public policy, near shore and island housing costs, and hurricane threat awareness will result in a declining percentage of the region's population living in category 1,2 or 3 storm surge zones.

Policy 5. Discourage residential development from locating in areas most vulnerable to hurricanes.

Background and Purpose of PAT 99-14

This proposal would amend the Community Facilities and Services Element by modifying Policy 39.1.4 to reflect the current status of Lee County Division of Natural Resources in completing the identified basin studies and providing technical flood plain information and analysis. The County staff report notes that since the identified basin studies have been completed, the amendment proposes that the references to the basin studies be removed from Policy 39.1.4. The policy would be amended to contain references to the appropriate government agencies that will be assisting Lee County in the development of new flood plain information.

Regional Significance and Consistency - The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-3: From 1995, All existing and identified future water supply sources will be protected from degradation and from detrimental impacts by human activities,--

Policy 11. Research for the development of water conservation areas to provide for natural attenuation of stormwater runoff peaks, water quality enhancement, and the potential for aquifer recharge should be continued.

Background and Purpose of PAT 99-20

This amendment would reevaluate *Planning Community Year 2020 Allocations* for consistency with existing and approved developments. It would amend the Planning Community boundaries (Map #3, Attachment III) to reflect the incorporation of Bonita Springs and the on-going "grass roots" planning efforts.

Regional Significance and Consistency - The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

II. Economic Development

Goal II-6: All local governments will eliminate deficiencies in public facilities and services and establish properly financed maintenance schedules.

Policy 3. New public facilities should be located in designated urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities needed to accommodate the desired growth in an environmentally acceptable manner to reduce urban sprawl.

Policy 8. Land development plans and regulations should: c. encourage or direct development to areas with adequate current or programmed facilities and services.

Background and Purpose of CPA2000-02

This amendment would update the Future Land Use Map Series to delete the Boca Grande Pass Marina from the Water Dependent Overlay (WDO) zone, and amend Goal 15 of the Lee Plan by adding the following Objective and Policy:

Objective 15.5: Port Facility. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road.

Policy 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved Pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054) are not permitted within that portion of the boundaries of the Boca Grande Community with the zoning designation of Port District.

Regional Significance - The proposed amendment is a procedural matter, as the Boca Grande Pass Marina use no longer exists. The County staff report states that the proposal does not change any existing land uses, but ensures that future land uses will be consistent with existing approvals. Thus, it is not regionally significant.

Background and Purpose of CPA2000-03

The Future Land Use Map would be amended to change the designation from *Mixed Use Interchange* and *General Interchange* to *Outlying Suburban* for approximately 152.37 +/- acres of land generally located in the northwest quadrant of the interchange of I-75 and Daniels Parkway. (See Map #4, Attachment III) The amendment also deletes Policy 1.3.6, the *Mixed Use Interchange* descriptor policy, and reclassifies approximately 2 +/- acres that would remain in the Mixed Use Interchange category as General Interchange. Also, amends the *Planning*

Communities Acreage Allocation for the Daniels Parkway Planning Community, to remove 68 residential acres from the *Mixed Use Interchange* category and add 68 residential acres to the *Outlying Suburban* category.

Regional Significance and Consistency - The County staff report concludes that the proposed amendment would reduce potential residential units from 755 to 459, and non-residential floor area from 1,578,614 sq. ft. to 100,000 sq. ft. This would reduce the total impacts to public services that could otherwise occur under the present Future Land Use Map category. The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

II. Economic Development

Goal II-6: All local governments will eliminate deficiencies in public facilities and services and establish properly financed maintenance schedules.

Policy 8. Land development plans and regulations should: c. encourage or direct development to areas with adequate current or programmed facilities and services.

Background and Purpose of CPA2000-06

The proposal would amend the Future Land Use Map for 413+ acres on the northern edge of Cape Coral near Eagle Road, Section 24, Township 43S, Range 23E, from *Open Lands* to *Rural*. In addition, the amendment adds a footnote clarifying an exception to the *Rural* category for the area limiting the density in this area to 1 du/2.25 acres. The County staff report states that the *Rural* category is a more suitable designation for the site than the *Open Lands* category given the existing density of residential uses and the character of the area.

Regional Significance - The site is divided into 113 single family residential parcels, is about 70% developed, and is surrounded on the east, south and west by the quarter-acre platted lots of the City of Cape Coral. The area would remain designated as a non-urban area without increases in the allowable commercial and industrial intensities and the amendment would have a minimal impact on public service providers. Thus, it is local matter and not regionally significant.

Background and Purpose of CPA2000-07

The proposed amendment would add a map delineating several square miles in Sections 13 and 24, Township 44 South, Range 24 East and Sections 17,18, 19, and 20 Township 44 South, Range 25 East as an urban infill area. In addition, it would add a new policy describing urban infill areas of the County under Objective 1.7, Special Treatment Areas, of the Future Land Use Element. The County staff report indicates that state of Florida money may be available, for both planning and implementation, for Urban Infill and Redevelopment Grants. The City of Fort Myers has identified an area along Martin Luther King Boulevard that has already qualified for a planning grant. The area contains both incorporated and unincorporated properties.

Regional Significance - The proposed plan amendment, identifying the area for the planning study, is required in order to qualify for and receive the grant funding. At this time the grant application has been submitted and the City has been approved for the planning grant funding.

The Board of County Commissioners, when they co-signed the grant application, committed to a plan amendment that would identify the subject property as an urban infill area. Thus, the proposed amendment is procedural in nature, and not regionally significant.

Background and Purpose of CPA2000-08

The amendment would alter the Future Land Use Map (FLUM) to more closely reflect the Town of Fort Myers Beach adopted Future Land Use Map. The categories used in the Fort Myers Beach Future Land Use Map are intended for different purposes than the Lee County Future Land Use categories. The Town's categories are targeted specifically for conditions on Estero Island, whereas the County categories were created for use in the entire County and have to address a broader range of conditions. As such, there are no exact matches between the two. Some Fort Myers Beach Categories such as Boulevard and Pedestrian Commercial have only approximate matches with Lee County FLUM categories.

Regional Significance - The proposed amendment is procedural in nature, and not regionally significant.

Background and Purpose of CPA2000-09

This amendment would update the Future Land Use Map, *Conservation Lands* land use categories to include 5,929+/- acres purchased by Lee County with the Conservation 2020 program and one 1,245 acre property bought by the State of Florida Trustees For Internal Improvements Trust Fund (TIITF) on Map #5, Attachment III. New language is added to Policy 1.4.6 which states, "2020 lands designated as conservation are also subject to more stringent use provisions of 2020 Program or the 2020 ordinances." The County staff report observes that *Conservation Lands* designation will give the County a competitive edge in obtaining grants, such as the Florida Community Trust, Greenways and Trails grant programs, through demonstrating Lee County's commitment to preserving natural areas as large parcels.

Regional Significance and Consistency - The Conservation 2020 Program objective is to put into the public domain private lands that will sustain native plant and animal populations, help protect people and property from flooding, and help replenish the underground drinking water supply. It will also help to improve or sustain the water quality of our coastal bays, inlets, and sounds, provide eco-tourism opportunities, and provide local environmentally-oriented recreational and educational opportunities. Although partly procedural, the proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land regulations.

Background and Purpose of CPA2000-10

This amendment to the Future Land Use Element would add *Research and Development* as a permitted use under Policy 1.2.2, the Airport Commerce descriptor policy. The County staff report concludes that *Research and Development* land use is consistent with the uses that are already permitted in the Airport Commerce land use category.

Regional Significance and Consistency - Providing for this use in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. *Research and Development* uses would benefit from a location proximate to the airport, the University, and I-75. The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

II. Economic Development

Goal II-20: All communities will promote public and private investment opportunities for existing and future urban areas.

Policy 6. Incentives should be provided for developing land in a way that maximizes the efficient use of existing state, regional, and local public facilities and services.

Background and Purpose of CPA2000-11

The County staff report states that this amendment would modify Policy 6.1.2.6 of the Future Land Use Element to clarify that extension of the *Interstate Interchange* use is not by right, but is permissive and subject to County review and approval. Policy 6.1.2.6 states that "any contiguous property under one ownership may be developed as part of the interstate interchange..." This language does not guarantee that the interchange uses will be extended, nor does it state that the expansion of interchange uses is a choice made solely by the developer.

The policy provides that certain criteria must be met in order to qualify for the expansion of the interchange, and once those criteria have been met, then the County has the ability to decide whether or not to allow it. The County staff report states that the decision of whether or not to allow an interchange to be expanded should be made at the full discretion of the Board of County Commissioners, given the potential impacts to the surrounding existing and future land uses.

Regional Significance - The existing language of Policy 6.1.2.6 does not make it clear enough that the County has full discretion over the expansion of the interchange uses. County staff has proposed a language amendment to help clarify this issue. Thus, the proposed amendment is procedural in nature, and not regionally significant.

Background and Purpose of CPA2000-13

The proposal would amend the Future Land Use Element by adding a policy to Goal 16, *Private Recreational Facilities* in the *Density Reduction/Groundwater Recharge (DR/GR)* category, specifying minimum indigenous preserve area requirements. The purpose of the 200 acre indigenous preservation requirement for golf courses within the *DR/GR* is to protect water recharge, storm water storage, and wildlife habitat. The County staff report advises that criteria

for achieving the indigenous preservation within these *DR/GR* developments should be stricter than areas within other land use categories, due to the sensitivity and importance of these lands to the general public.

Regional Significance and Consistency - Current Policy 16.8 does not contain all the pertinent information for establishing minimum indigenous preservation criteria. The County intends to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved. The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land regulations.

Policy 9. Measures which maintain the Region's current complement of fish and wildlife species through the preservation of diverse and viable habitat should be implemented by land management programs and development regulations.

Background and Purpose of CPA2000-14

The proposed amendment to the Future Land Use Element would modify Policy 16.3.9 to clarify the maintenance area intensity limitations. The County staff report indicates that Policy 16.3.9 is ambiguous in its limitation on golf course maintenance areas. The 25,000 square feet per 18 hole regulation was intended to apply to the area of the maintenance building. Internal examination of the regulation, however, revealed that the limitation needs to be expanded to also include an acreage limitation that can accommodate other maintenance functions that may fall outside the primary maintenance building.

Regional Significance - The combination of the two limitations would prevent future confusion over the intent of the policy. The amendment is procedural, and not of regional significance.

Background and Purpose of CPA2000-15

The proposal would amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses to be consistent with the existing LDC regulation.. The County staff report notes that the LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. Certain vacant parcels in the *DR/GR* may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Regional Significance - This plan amendment is essentially procedural, and not of regional significance.

for achieving the indigenous preservation within these *DR/GR* developments should be stricter than areas within other land use categories, due to the sensitivity and importance of these lands to the general public.

Regional Significance and Consistency - Current Policy 16.8 does not contain all the pertinent information for establishing minimum indigenous preservation criteria. The County intends to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved. The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land regulations.

Policy 9. Measures which maintain the Region's current complement of fish and wildlife species through the preservation of diverse and viable habitat should be implemented by land management programs and development regulations.

Background and Purpose of CPA2000-14

The proposed amendment to the Future Land Use Element would modify Policy 16.3.9 to clarify the maintenance area intensity limitations. The County staff report indicates that Policy 16.3.9 is ambiguous in its limitation on golf course maintenance areas. The 25,000 square feet per 18 hole regulation was intended to apply to the area of the maintenance building. Internal examination of the regulation, however, revealed that the limitation needs to be expanded to also include an acreage limitation that can accommodate other maintenance functions that may fall outside the primary maintenance building.

Regional Significance - The combination of the two limitations would prevent future confusion over the intent of the policy. Thus, the amendment is basically procedural.

Background and Purpose of CPA2000-15

The proposal would amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses to be consistent with the existing LDC regulation.. The County staff report notes that the LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. Certain vacant parcels in the *DR/GR* may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Regional Significance - This plan amendment is essentially procedural, and not of regional significance.

Background and Purpose of CPA2000-17

This proposal amends the Future Land Use Element by removing the Goal for Bonita Springs (#13), and relocates policies which should continue to apply to the remaining unincorporated areas of Bonita Springs. The amendment evaluates the affect of the incorporation of the City of Bonita Springs and the provisions of Goal 13. The amendment proposes to delete from the Lee Plan those provisions in Goal 13 that will be responsibility of the City of Bonita Springs. The provisions of Goal 13 that do apply to the areas in south Lee County outside of the city limits are proposed to be retained and relocated. The amendment also adds a map (Map #6, Attachment III) depicting an Irrigation Well Overlay to the Future Land Use Map series.

Regional Significance and Consistency - The amendment specifies that new irrigation well permits within the new Irrigation Well Overlay may not use a main potable water source. This is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-5: From 1995, protect groundwater resources from depletion and contamination through appropriate regulatory and incentive programs.--

Policy 9. Water resource management programs should include allocation of water for reasonable/beneficial uses with increased emphasis on g. coordination of future development levels and locations in a manner compatible with water and natural resources.

Background and Purpose of CPA2000-19

This proposal would amend the Lee Plan, text and Future Land Use Map series, to incorporate the recommendations of the Estero Community Planning Effort, establishing a Goal and subsequent Objectives and Policies specific to the Estero Community. The proposed goals, objectives, and policies are the result of a year long planning process. They directly reflect the vision that the Estero Community has for its future growth and development. County staff states that this amendment should be viewed as a first step in a continuous process that addresses planning needs in Estero.

Regional Significance and Consistency - While the Estero Community proposed policies to promote "small town" scale urban design, several of the proposed policies encourage a regionally significant goal and policy of mixed use development, and interconnection of residential and commercial areas with bike/pedestrian paths. As such, the proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

V. Regional Transportation

Goal V-3: Local governments will encourage mixed land uses to reduce the need for excessive travel for everyday needs.

Policy 1. Comprehensive plans and land development regulations should provide incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

Background and Purpose of CPA2000-21

This is a general update of the Transportation Element. The County staff report notes that the changes include:

- a modification of Policy 22.1.4 to update the references to particular versions of the Highway Capacity Manual and the FDOT Level of Service Manual,
- a modification of Policy 26.1.3 to distinguish between traffic control devices and plans,
- an expansion of Goal 27 to include operations and maintenance among the aspects of transportation improvements that require coordination with other governmental entities,
- an addition of the new City of Bonita Springs to the list of cities in which the County declares a position of interest on land use decisions in Policy 27.1.3, and
- an update of Policy 21.1.1 and the transportation map series to reflect the most recent Metropolitan Planning Organization (MPO) 2020 highway and transit plans.

Regional Significance and Consistency - The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

V. Regional Transportation

Goal V-14: Local governments and Metropolitan Planning Organizations will ensure through their planning programs that future road networks will accommodate travel demands across jurisdictional boundaries.

Policy 3. Area local governments and regional and state agencies should coordinate roadway network expansion programs.

Policy 9. Transportation improvements are to be located, designed, and scheduled in a manner to coordinate transportation improvements with state, regional, and local plans.

Background and Purpose of CPA2000-22

This proposal would amend the Conservation and Coastal Management Element by adding a policy under Goal 78, Policy 78.1.6, stating that Lee County encourages the efforts of the South Florida Water Management District in establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River. County staff observes that the South Florida Water Management District, the delegating entity over Southwest Florida's waterways, is establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River through the participation of several studies and plans.

Regional Significance and Consistency - Although somewhat procedural, adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan supporting the Caloosahatchee River planning effort would encourage implementation of the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV: Drainage systems will be managed to maintain or restore natural timing, pattern, and quality of freshwater flows of the watershed basin.

Policy 3. The restoration of altered natural water systems by local governments and water management districts should be encouraged and supported.

Background and Purpose of CPA2000-23

The Charlotte Harbor National Estuary Program has adopted a Comprehensive Conservation and Management Plan (CCMP) for the Greater Charlotte Harbor Watershed. This proposal would amend the Conservation and Coastal Management Element by adding a Policy under Goal 78, Policy 78.2.2, stating the County will review the CCMP by the year 2002.

Regional Significance and Consistency - The proposal would commit the County to review the CCMP in order to evaluate and improve the effectiveness of County watershed management programs. This is regionally significant because it would help implement the following goals and policies of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land development regulations.

Goal IV-21: Beginning in 1995, the Natural Resource Management Program shall be based upon the best available verified data and public review of resource documents --

Policy 12. Aquatic and state buffer preserve management activities should be coordinated with regional and state land and water management and environmental education activities.

Background and Purpose of CPA2000-25

This proposal would amend the Parks, Recreation and Open Space Element by adding a new Objective and/or policies to Goal 52, Development Requirements, clarifying the purpose of open space in non-residential projects. The County staff report notes that the purpose of open space in a development is to provide pervious land area to achieve appropriate buffering, visual relief, landscaping, surface water treatment, and preservation of existing native trees and plant communities. Although open space in non-residential developments serves these functions as it does in residential developments, Goal 52 of the Lee Plan currently does not treat all types of open space equally, addressing only residential open space.

In addition, a new objective is proposed to require innovative open space design at the time of zoning review. This is consistent with other provisions of the Lee Plan and with the LDC. The purpose of the open space design is to assess the natural features of the site early in the development process, thereby incorporating the existing native vegetation in a manner that provides visual relief and buffers adjacent uses. Goal 52 of the Lee Plan would be modified to recognize the importance of open space and innovative design that incorporates natural features within developments.

Regional Significance and Consistency - While providing local land use buffering, visual relief, and landscaping, the proposed amendment is regionally significant as it would also help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land development regulations.

Background and Purpose of CPA2000-26

Prior changes to the Transportation Element of the Lee Plan eliminated references to "backlogged" roads because they had all been addressed in one fashion or another, and clarified some references related to "constrained" roads. These changes were not reflected in the Capital Improvements Element, where Policy 70.1.3 still includes "backlogged" and "constrained" roads references that are now inconsistent with language in the Transportation Element. The amendment eliminates the "backlogged" roads reference and updates the "constrained" roads reference in Policy 70.1.3.

Regional Significance - This proposed amendment is procedural and not regionally significant.

Background and Purpose of CPA2000-27

This proposed amendment updates the Capital Improvements Element to reflect the latest adopted Capital Improvement Program (CIP). Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the Comprehensive Plan be amended annually to reflect the modifications of the most recently adopted CIP.

Regional Significance - This proposed amendment is procedural and not regionally significant.

Background and Purpose of CPA2000-29

This proposed amendment would add a definition for the term "Natural Resource Extraction" to the Lee Plan Glossary. In addition, the proposal would amend the Future Land Use Element by adding the term "Natural Resource Extraction" to Goal 10 and its Objectives and Policies, clarifying that natural resources other than minerals are subject to Goal 10 requirements. Principal resources sought in Lee County are sand, gravel, limestone, oil and gas which include both organic and inorganic materials.

Regional Significance and Consistency - The County staff report notes that in addition to protecting surrounding land uses, the proposal would also ensure that all mined material operations, organic and inorganic, conform to County environmental and reclamation requirements. Thus, the proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-14: From 1995, all mining operations will be required to have reclamation programs which will be implemented in a timely manner.

Policy 2. Mining operations should not occur in areas where reclamation is unlikely due to physical, geographical, or environmental constraints.

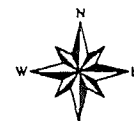
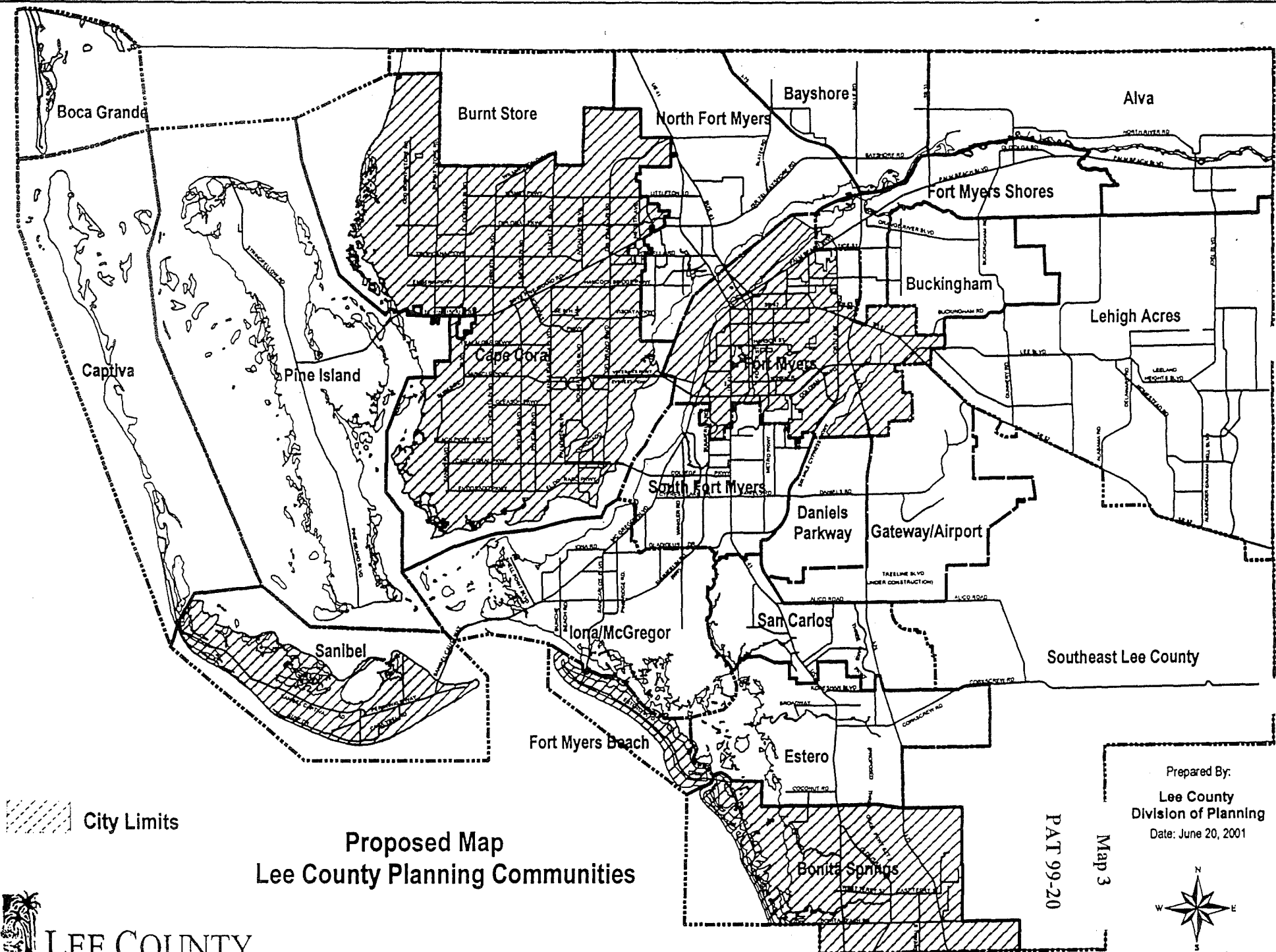
Background and Purpose of CPA2000-31

The proposal amends Policy 1. 7. 1, Airport Noise Zones, of the Future Land Use Element by removing language pertaining to the dedication of noise and aviation easements to Lee County within noise zones 2 and 3. It also amends the Lee Plan by deleting Policy 32.2.6. pertaining to the Aviation Easements Program, and amends the Lee Plan Glossary by removing the definition of the term aviation easement as it will no longer apply in the Lee Plan.

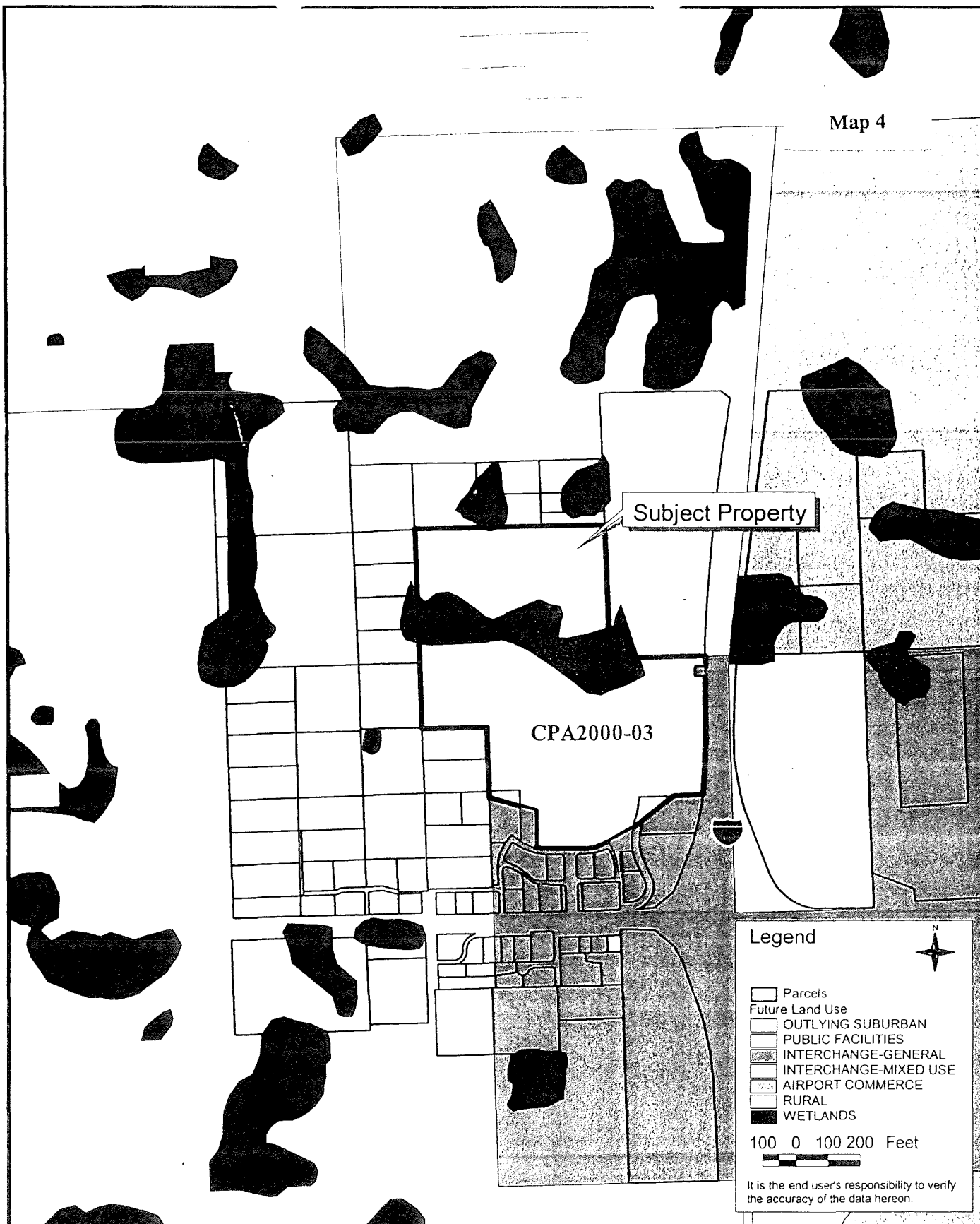
Regional Significance - The County staff report notes that the proposed amendment has no effect on existing or future land uses. The County Attorney office states that concerns about inappropriate land uses in the Airport Noise Zones are already addressed by existing land use regulations. This proposed amendment is procedural and not regionally significant.

Conclusion

Of the 14 regionally significant proposed amendments submitted in this package, 13 are consistent with and help implement the Strategic Regional Policy Plan, August 1995 (SRPP). The remaining regionally significant proposed amendment, PAM98-06 will require mitigation or modification to be consistent with the SRPP.



Map 4



Vanassee
Daylor



12730 New Brittany Blvd., Suite 600
Fort Myers, Florida 33907
T 941.437.4601 F 941.437.4636

3001 Tamiami Trail North, Suite 206
Naples, Florida 34103
T 941.403.0223 F 941.263.5096

www.randay.com

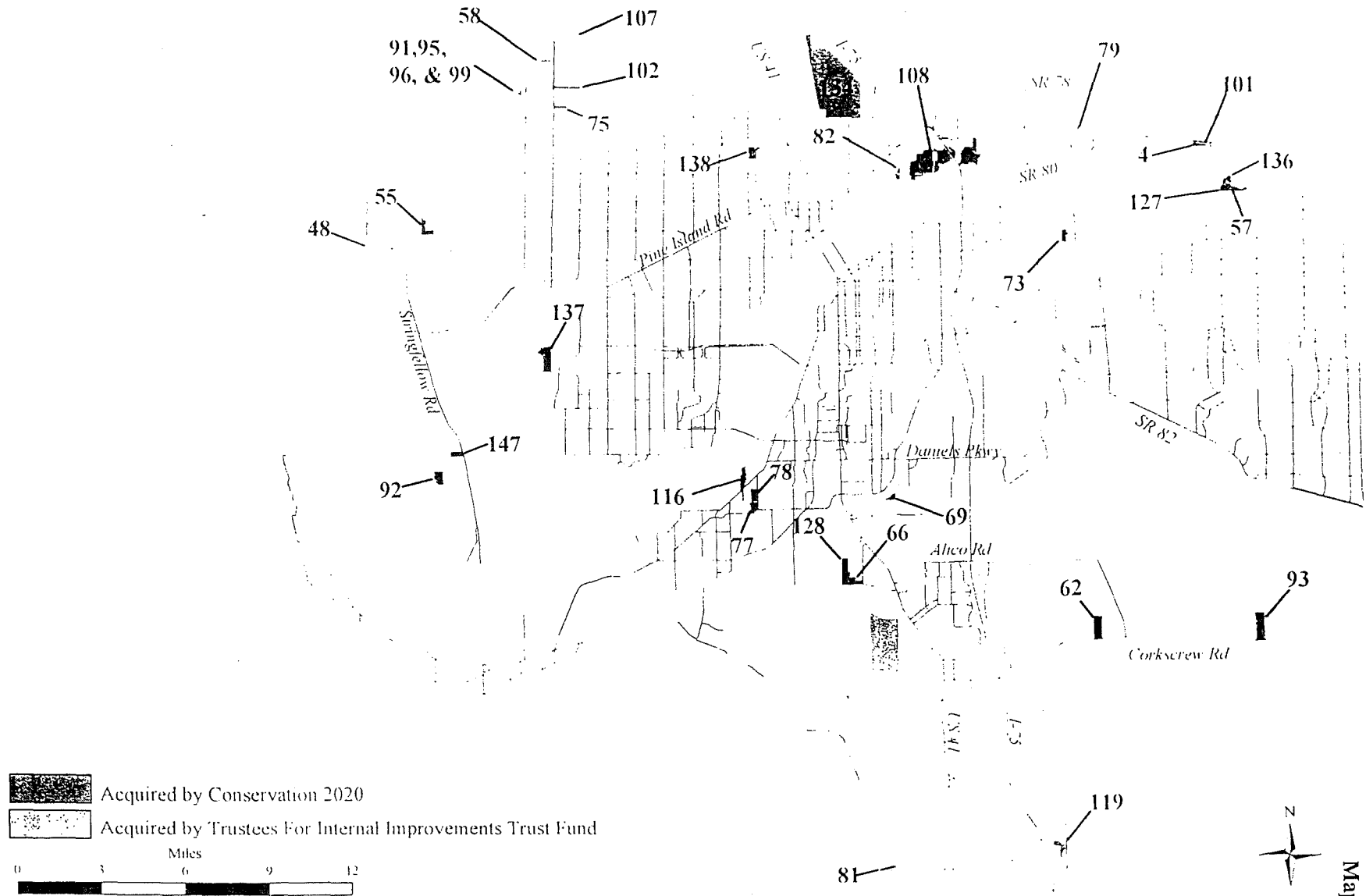
Renaissance
Proposed FLUM

Sources: Lee County

File Name: XXXX.apr

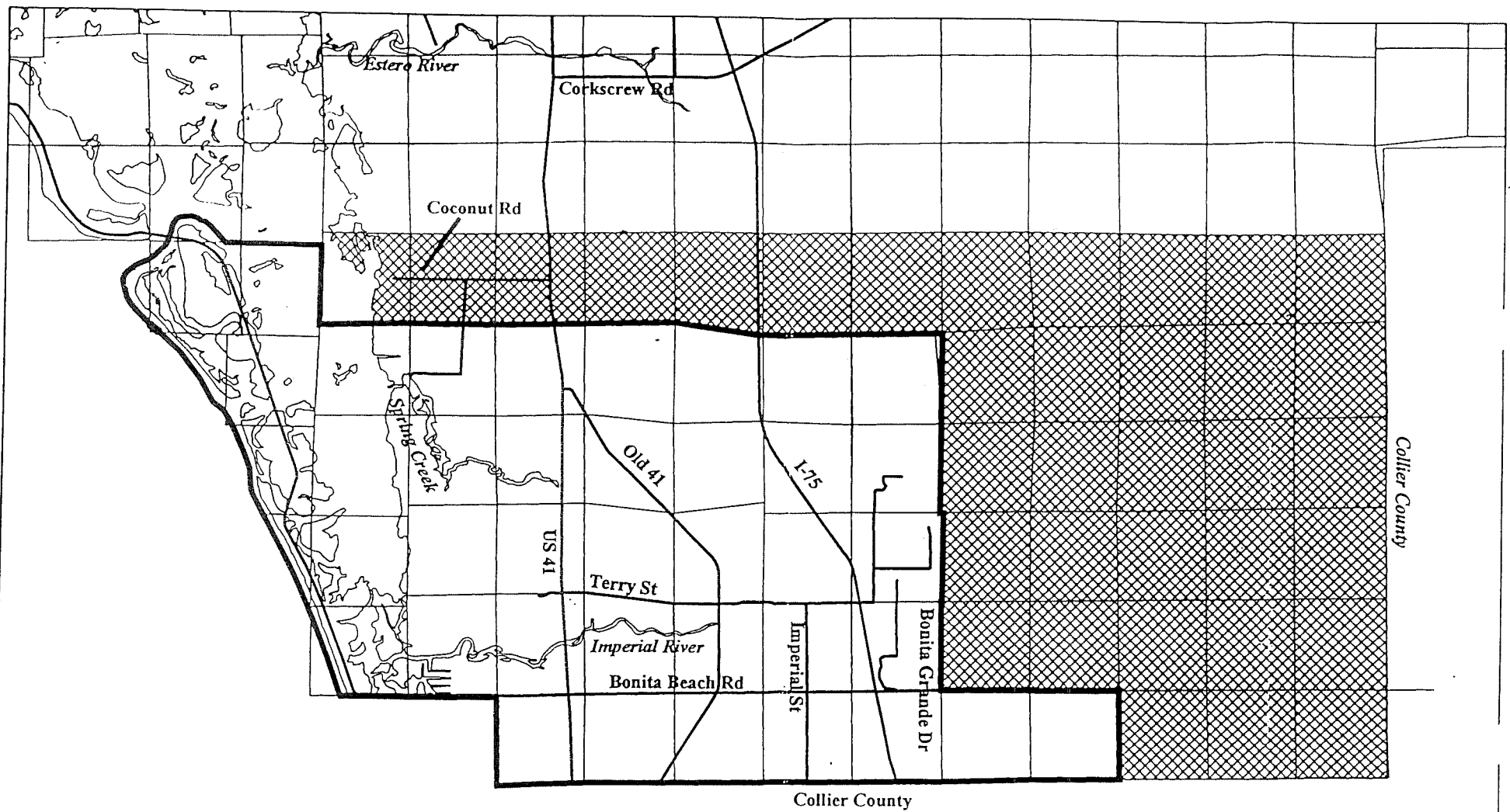
Lee Plan Amendment CPA 2000-09



Areas proposed for inclusion in Conservation Lands



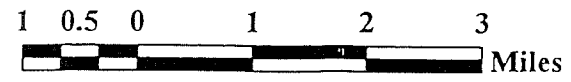
ATTACHMENT 1

IRRIGATION WELL OVERLAY



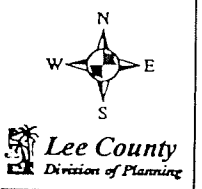
-  Irrigation Well Overlay
-  Incorporated Bonita Springs

Note: This overlay refers to Lee Plan Policy 1.7.9



CPA2000-17

Map 6



**Lee County Proposed Plan Amendments
SWFRPC Notification Protocol, 18Sep01**

Agenda Item 3(b)1
Attachment IV

Receiving Jurisdictions

Possible	Mandatory
<u>Related State Agencies</u>	
X Forestry/Ag. County adopted>	
Environmental Protection	X
X F&W Cons.Comm. County adopted>	
X Dept.of State All adopted>	
Transportation - District 1	X

Related Regional Agencies

South Florida Water Mgt. District	X
SW Florida Water Mgt. District	—
Adjoining Regional Planning Councils:	
__ Central Florida	__ Tampa Bay
__ South Florida	__ Treasure Coast
National Estuary Programs:	
X Charlotte Harbor	__ Sarasota Bay
__ Tampa Bay (20 sq.mi.in N.Sarasota Co.)	
__ Peace River/Manasota Water Supply Authority	
__ Port LaBelle Community Development Dist.(2 counties)	
Tribes: __ Miccosukee	__ Seminole
X West Coast Inland Navigation Dist.(3 counties)	

<u>Factors of Regional Significance</u>		
Location	Magnitude	Character
urban boundary		coast hi haz./shoreline
urban boundary		coast hi haz./shoreline
		historic resources
district boundary		
district boundary		
<2 miles	>80% DRI	jurisdiction-wide
watershed		consistency criteria
4 counties	>80% DRI	
<2 miles		
<2 miles	>80% DRI	jurisdiction-wide
Intracoastal Waterway		beaches & boating

Possible Related Local Govts. within SWFRPC

X Charlotte County	
X Metro Planning Org.(transportation)	
__ Englewood Water Mgt. District	
__ School Board	
__ City of Punta Gorda	
__ Collier County	
__ Metro Planning Org.(transportation)	
__ Independent Fire Districts (1 of 6)	
__ School Board	
__ Everglades City	
__ City of Marco Island	
__ City of Naples	
__ Big Cypress Basin Board	
__ Glades County	
__ School Board	
__ City of Moore Haven	
__ Hendry County	
__ Hospital District	
__ School Board	
__ City of Clewiston	
__ City of LaBelle	

<2 miles >80% DRI jurisdiction/function

Lee County	
X Metro Planning Org.(transportation)	
__ Port Authority	
__ Independent Fire District	
X School Board	
__ Independent Service District	
X City of Bonita Springs	
X City of Cape Coral	
X City of Fort Myers	
X Town of Ft. Myers Beach	
X City of Sanibel	
__ Sarasota County	
__ Metro Planning Org.(transportation)	
__ Hospital District	
__ School Board	
__ Town of Longboat Key	
__ City of North Port	
__ City of Sarasota	
__ City of Venice	

Possible Related Counties in Adjoining RPCs

__ Manatee	__ DeSoto	__ Highlands
__ Monroe	__ Dade	__ Broward
		__ Palm Beach

November 28, 2001

Mr. Wayne Arnold
Q. Grady Minor & Associates, P.A.
3800 Via Del Ray
Bonita Springs, FL 34134

RE: Estero 60 Acre Land Trust
Lee Plan Amendment: PAM98-06

Dear Mr. Arnold,

The Florida Department of Community Affairs (DCA) has issued its Objections, Recommendations, and Comment (ORC) Report (attached) for the Lee Plan amendments that were transmitted by the Board of County Commissioners on August 29, 2001. The DCA has stated an objection concerning the privately initiated Lee Plan Amendment PAM 98-06. The DCA is requesting additional data and analysis to support the proposed Future Land Use Map amendment.

It is the County's policy that it is the responsibility of the applicant to respond to any objections or concerns identified in an ORC report for privately initiated amendments. The data and analysis requested by the ORC will need to be received by planning staff at least four weeks prior to the adoption hearing date in order to allow staff sufficient time to review the materials and make a recommendation to the Board. Staff estimates that the adoption hearing will be held during the week of January 14, 2002. That would make your submittal to staff due prior to the Christmas Holidays.

If I can be of assistance or if you have any questions regarding this matter please feel free to call me at the above referenced number.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning Division

Peter Blackwell
Planner

PCB

cc: *Andy DeSalvo*
Neale Montgomery



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

November 21, 2001

The Honorable Robert Janes
Chairman, Lee County Board
of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chairman Janes:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Lee County (DCA No. 01-1), which was received by the Department on September 17, 2001. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for review and their comments are enclosed.

The Department has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C), Chapter 163, Part II, Florida Statutes (F.S.), and the adopted Lee County Comprehensive Plan. The issues identified in this Objections, Recommendations and Comments Report include concerns about the suitability of the proposed amendment Case No. PAM 98-06 for the site. It is very important that the adopted plan amendment address these issues, and all objections in the Department's ORC Report.

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, F.A.C. Upon receipt of this letter, the County has 60 days within which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781

Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Honorable Robert Janes
November 21, 2001
Page Two

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's ORC Report.


The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate Notice Of Intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan or plan amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b) which are effective July 1, 2001, and providing a model sign-in information sheet, *please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review*. For efficiency, we encourage that the information sheet be provided in electronic format.

If you have any questions, please call Roger Wilburn, Community Program Administrator or Bernard O. Piawah, Planning Manager, in the Bureau of Local Planning at (850) 922-1810.

Sincerely,



Charles Gauthier, Chief
Bureau of Local Planning

CG/bop

enclosures: Other Agency Comments

cc: Mr. Paul O'Connor, AICP, Director, Lee County
Mr. Wayne E. Daltry, Executive Director, Southwest Florida RPC

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS
FOR
LEE COUNTY
COMPREHENSIVE PLAN AMENDMENT 01-1

November 21, 2001
Division of Community Planning
Bureau of Local Planning
This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Lee County 01-1 proposed amendment to their comprehensive plan pursuant to s.163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by local government and corrected when the amendment is re-submitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Department objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS RECOMMENDATION AND COMMENTS REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT 01-1
LEE COUNTY**

I. CONSISTENCY WITH RULES 9J-5 AND CHAPTER 163., F.S.

Lee County's proposed Amendment 01-1 involves changes to numerous elements of the comprehensive plan including Future Land Use Map changes. The Department raises objections to Amendments **PAM 98-06 and PAT 99-20:**

Objections:

PAM 98-06:

This is a proposal to revise the Future Land Use Map for a 60-acre site located in the vicinity of Pine Road and U.S. 41. The subject site is adjacent to Estero Scrub Preserve, a state-owned conservation area. According to the supporting documentation, the site is habitat to a variety of endangered and threatened species. In view of this fact, the amendment is not supported by adequate data and analysis demonstrating the suitability of the proposed designation considering the environmentally sensitive nature of the site. The proposed increase in density on this 60-acre site, from one dwelling unit per acre to two dwelling units per acre, will result in increased run-off, from the site, into the preservation area and has the potential to adversely impact this environmentally sensitive resource. The project will utilize septic tanks for sewage disposal which has the potential to leak out and contaminate the bay. Furthermore, a density of two dwelling units per acre may be too high for this site since it is very environmentally sensitive, and data and analysis have not been provided indicating how development will occur on the site, at the proposed density, without endangering the protection of the threatened and endangered species that may inhabit it.

In addition, the amendment appears to be inconsistent with Lee Plan's Objective 77.1, 77.3, and 77.4; and Policies 77.2.10, 77.3.1, 77.4.1, 77.4.2, and 83.1.5, regarding the protection of environmentally sensitive areas, endangered and threatened species and their habitat.

According to the information provided, the proposed amendment will impact U.S. 41, which currently does not have the capacity to accommodate the proposed amendment. Although U.S. 41 is operating at level of service F, at the moment, the additional trips from this project will exacerbate the situation.

Chapter 163.3177(2), (6)(a), (d), (9)(b), Florida Statutes; Rule 9J-5.005(2)(a), & (5); 9J-5.006(2)(a), (b), (3)(b)1., (3)(c)3., & 6.; 9J-5.011(1)(f)1.; 9J-5.012(3)(c)1.; 9J-5.013(1)(a)5., (2)(b)3., & 4., (2)(c)5., 6., & 9., Florida Administrative Code (F.A.C.).

Recommendation: Demonstrate, with adequate data and analysis, that the increased density will not result in an adverse impact on the Estero Scrub Preserve. Furthermore, demonstrate, with adequate data and analysis, the suitability of the site for the proposed land use designation and show how development will occur on the site without endangering the threatened and endangered species that may inhabit the area, as well as how the increased density will take place without exacerbating the traffic condition on U.S. 41. In addition, demonstrate the consistency of the amendment with the Lee Plan Objectives and Policies listed above. Since the density of two units per acre may be too high for the site, considering its environmentally sensitive nature, alternatively, the County should consider not adopting the amendment.

PAT 99-20

The proposed Policy 15.5.1 defers the identification of the commercial and industrial uses that will locate in the Port District to a separate document outside the comprehensive plan instead of including such guidelines in the plan as required.

Chapter 163.3177(2), (6)(a), (d), (9)(b), and Rule 9J-5.005(2)(a), & (5); F.A.C.

Recommendation: Revise the plan to specify the commercial and industrial uses that are allowed in the Port District.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendment does not adequately address and further the State Comprehensive plan including the following goal and policies:

Natural Systems and Recreational Lands Goal (10)(a) and Policies (b)1,3,4, regarding the conservation of forests, wetlands, fish, marine life and wildlife to maintain their environmental values.

Public Facilities goal (18)(a) and Policies (b)1 and (2), regarding the provision of public facilities.

Recommendation: Revise the proposed amendment, as indicated in the report, in order to be consistent with the above goal and policies of the State Comprehensive plan.



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

November 9, 2001

Mr. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Lee County, 01-1, Comp Plan Amendment ORC Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed the proposed amendments under the procedures of Chapter 163, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*, and offers the following comments on Amendment PAM 98-06:

Department staff concur with the comments and recommendations provided by Lee County Division of Planning staff in their *Staff Report for Comprehensive Plan Amendment PAM 98-06* dated August 29, 2001. The proposed amendment would change the Future Land Use designation of a 60-acre tract of land from "Rural" to "Outlying Suburban," including a proposal to double the density from one dwelling unit per acre to a maximum of two dwelling units per acre. The Department has serious concerns regarding future development on this environmentally sensitive site.

The entire 60-acre tract is located within Flood Zone A14, as depicted on the Lee County *Flood Insurance Rate Map (FIRM)*, Panel # 125124 0455 B (1984). A portion of the proposed residential site contains wetlands, wet depressional areas, and the southern end of the Mullock Creek drainage system. The tract's uplands are underlain by flatwoods soils (Daytona and Immokalee sands). Those soils have been identified in the *Soil Survey of Lee County, Florida*, as having severe limitations for sanitary facilities and urban development due to the (typically) high water table and rapid permeability.

In addition to the Estero Bay Aquatic Preserve, Estero Bay State Buffer Preserve, and adjacent Estero Scrub Preserve lands, the Estero Bay Tributaries (including the Mullock Creek drainage system to U.S. Hwy. 41) have been designated Outstanding Florida Waters (OFW) under Rule 62-302.700(9)(i)12., *F.A.C.* A portion of the OFW system is located along the eastern boundary of the subject site. The Estero Bay basin is also one of the watershed management areas included within the Charlotte Harbor National Estuary Program. The designations thus reflected in Chapters 253, 258, 373, and 403, *F.S.*, afford the highest level of state protection

"More Protection, Less Process"

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to the waterways and public lands associated with Estero Bay. As such, we are particularly concerned about the proposals to increase density and to utilize septic systems on the site. The suitability of the land proposed for development should be carefully reviewed to ensure that the proposed changes would not cause adverse impacts to the quantity, quality, and flow of the groundwater, surface waters, wetlands, and flood-detention areas within the Estero Bay estuarine system. Before the project proceeds, the plan to utilize septic tank systems should be carefully analyzed in light of the water quality antidegradation policies outlined in Rules 62-4.242(2) and 62-302.700, *F.A.C.*, to confirm that the proposed wastewater treatment will be adequate and that the associated septic systems would not create adverse nutrient impacts in the surrounding area. The development's stormwater treatment system must also be designed to prevent water quality degradation of the receiving waters in the above-mentioned OFWs and to meet the design and performance criteria established for the treatment/attenuation of discharges to OFWs, under Rule 40E-4, *F.A.C.*, and the South Florida Water Management District's *Basis of Review for ERP Applications*.

It is anticipated that the proposed increase in density will result in the following natural resource impacts within or adjacent to the subject development area:

- ◆ Alteration of the existing surface water hydrology and natural drainage patterns on adjacent properties as a result of increased impervious surface development.
- ◆ Modification of groundwater levels and hydrological contributions to the Estero Bay estuarine system, particularly those of Mullock Creek, due to increased water consumption and the creation of drainage ditches and stormwater ponds.
- ◆ Reduction in flood attenuation capacity of area creeks and ditches by increasing the amount of impervious surface within the watershed.
- ◆ Increased erosion and sediment loading due to construction activities and removal of existing vegetation.
- ◆ Alteration of water quality by increased nutrient and pollutant loads typically associated with urban and suburban development (road surface runoff, septic systems, lawn fertilizers, etc.). The effect of higher pollutant loading during storm events will be further magnified by a reduction in the overall quantity of water naturally entering the system.
- ◆ The proposed development may also impact portions of Conservation and Recreation Lands (CARL) previously acquired by the state and designated for resource protection.

In general, the Department of Environmental Protection recommends that community improvements not infringe upon environmentally sensitive areas such as flood zones, rare or endangered species habitat, wetlands or natural drainage courses, which should be preserved for their environmental and aesthetic significance. As described in the Florida Water Plan, established under Sections 187.201 and 373.036, *F.S.*, concerns for natural systems maintenance are directly related to rapid population growth and development and resulting impacts, such as "the creation of flood hazards, destruction of valuable wildlife habitat and the degradation of water quality caused by development that encroaches into floodplains and flood-prone areas."¹ The primary goal of the Florida Water Plan is to ensure long-term sustainability of Florida's water resources for the benefit of the state's economy, natural systems, and quality of life.

In light of the foregoing, the Department recommends that the applicant reduce the size and scope of the project to one more suited to the available upland area. The proposed land use change and Future Urban Area designation for the subject property and any other undeveloped parcel located in Flood Zone A adjacent to the Estero Bay State Buffer Preserve should not proceed without an extensive analysis of potential development impacts and evaluation of anticipated project needs.

Thank you for the opportunity to comment on the proposed amendments. If I may be of further assistance, please call me at (850) 487-2231.

Sincerely,



Lauren P. Milligan
Environmental Specialist
Office of Intergovernmental Programs

/lpm

¹ FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, 1995 FLORIDA WATER PLAN __ (Dec. 8, 1995).



Florida Department of Transportation

JEB BUSH
GOVERNOR

801 N. Broadway
Bartow, Florida 33830

THOMAS F. BARRY, JR.
SECRETARY

October 31, 2001

Mr. Ray Eubanks
Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

9RW
11/5/01

RE: Lee County Comprehensive Plan Amendments- DCA No. 01-1

Dear Mr. Eubanks:

We have reviewed the referenced Lee County Comprehensive Plan Amendments package. Our review indicates that none of the proposed amendments will have a significant impact on the State Transportation System.

These comments reflect a planning level review only. Access connections to the State Highway System are subject to permitting which may necessitate mitigation requirements. The permitting process is described in Rule 14-96 FAC.

If you have any questions, please contact John Czerepak at (941) 519-2343 or Suncom 557-2343.

Sincerely,

Michael J. Tako Nicolaisen, P.E.
Interim Planning Manager

MJTN/GJC/gjc

cc: Richard L. Combs, FDOT
Files

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
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Division of Corporations
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FLORIDA DEPARTMENT OF STATE

Katherine Harris

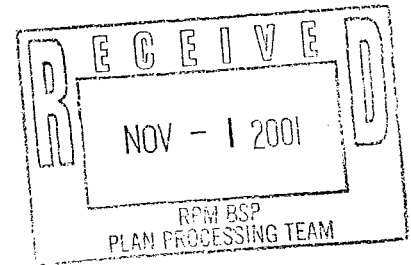
Secretary of State

DIVISION OF HISTORICAL RESOURCES

October 24, 2001

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

9RW
11-2-01



Re: Historic Preservation Review of the Lee County (01-1) Comprehensive Plan Amendment Request (Received by DHR on 09/24/01)

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We have reviewed many proposed text changes and Future Land Use Map amendments to the Lee County Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that many of the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Lee County. Specific comments regarding individual amendments are as follows.

Amendment PAT99-20, CPA2000-04 (Orange River Property) and CAP2001-01 (Bonita Beach Road) have both had archaeological surveys completed where potentially significant resources were discovered. As long as appropriate actions are taken to protect these resources, then any resulting changes should be acceptable. Regarding Amendment CPA2000-07, there are National Register individually listed sites and a National Register listed district within this urban infill area. It is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on these significant archaeological or historic resources. Again, if these concerns are addressed and appropriate actions are taken to protect these resources, then any resulting changes should be acceptable. For Amendment CPA2000-19, historic resources are addressed in Policy 19.1.7. We suggest adding "historic resources" to Goal 19.

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • <http://www.flheritage.com>

<input type="checkbox"/> Director's Office (850) 245-6300 • FAX: 245-6435	<input type="checkbox"/> Archaeological Research (850) 245-6444 • FAX: 245-6436	<input checked="" type="checkbox"/> Historic Preservation (850) 245-6333 • FAX: 245-6437	<input type="checkbox"/> Historical Museums (850) 245-6400 • FAX: 245-6433
<input type="checkbox"/> Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476	<input type="checkbox"/> St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044	<input type="checkbox"/> Tampa Regional Office (813) 272-3843 • FAX: 272-2340	

Mr. Eubanks
October 24, 2001
Page 2

In sum, it is our opinion that the amended comprehensive plan meets (although known and potential historic resources need to be carefully considered in the planning phases of proposed land use changes) the State of Florida's requirements as promulgated in sections 163.3177 and 163.3178, F.S., and Chapter 9J-5, F.A.C., regarding the identification of known historical resources within their specified area of jurisdiction, and for the establishment of policies, goals and objectives for addressing known and potentially significant historical resources in Lee County.

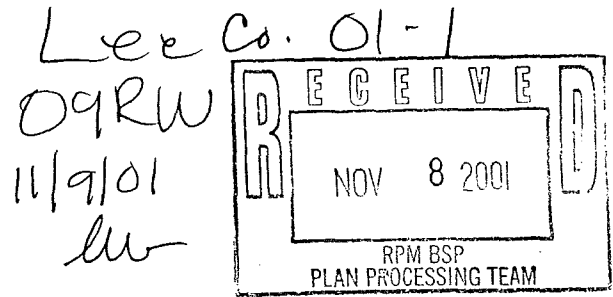
If you have any questions regarding our comments, please feel free to contact Susan M. Harp or Laura Kammerer of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Snyder Matthews". The signature is written in a cursive, flowing style.

Janet Snyder Matthews, Ph.D., Director

Bernard Piawah, Planning Manager
Department of Community Affairs
Division of Research, Planning, and Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399



Re: Lee County Comprehensive Plan Amendment PAM 98-06

Dear Mr. Piawah,

We would like to begin by thanking you for setting aside time to meet with us last Friday, November 2, regarding the Estero 60 parcel. It remains our belief that the proposed change in future land use designation is not consistent with the sensitive nature of this parcel. Per your request at our meeting, we are sending you this letter to outline our argument and supply you with documents that reinforce our position.

There are several documents and policies that demonstrate the need to maintain the future land use designation for the Estero 60 parcel at Rural.

Lee County Comprehensive Plan (Attachment 1)

The proposed amendment is inconsistent with several policies in the Lee County Comprehensive Plan, or Lee Plan. These policies concern the protection of surface water, natural systems, critical areas, natural wetland and upland habitat, endangered and threatened species, and the avoidance of septic tank use.

Outstanding Florida Waters Designation: Estero Bay and its tributaries (Attachment 2)

The amendment would also be inconsistent with the protection to the Estero River and Estero Bay granted through their designation as Outstanding Florida Waters (OFW's). The section of the Florida Administrative Code concerning OFW's is included as Attachment 2.

Estero Bay Buffer Preserve Land Management Plan (Attachment 3)

Another concern we have is the effect that doubling the density of the Estero 60 parcel will have on the adjacent Estero Bay Buffer Preserve (EBBP). We have included sections of the EBBP Land Management Plan that indicate the need to preserve surrounding lands to ensure protection of the EBBP. The Estero 60 parcel is included within the Estero Bay Florida Forever project boundary, therefore if the site were to purchase the land for conservation it would become part of the EBBP and thereby be managed through the EBBP Land Management Plan.

Baseline Wildlife Inventory of the Estero Bay Aquatic Preserve and the EBBP (Attachment 4)

To further demonstrate the sensitivity of the Estero 60 parcel we have including sections of a Baseline Wildlife Inventory of the Estero Bay Aquatic Preserve and the EBBP. While the Estero 60 parcel is not included in these documents, they are relevant due to the proximity of the Estero 60 parcel to these protected areas and the lack of manmade infrastructure between them. This document describes the diverse wildlife found within the region, included many federal and state listed species.

Plant and Habitat Inventory of the Estero River Scrub parcel (Attachment 5)

Similar to the prior document this inventory does not include the Estero 60 parcel but is relevant due to the Estero River Scrub's proximity to the Estero 60 parcel. The inventory describes the diverse range of habitats that can be found in the region. These habitats are not only important on their own, they also support a multitude of wildlife species.

To reiterate our position that was discussed at our meeting, we believe the sensitive nature of this parcel creates the need to reject this amendment. The significance of the region was demonstrated when the State of Florida took the unusual step of approving purchase of the neighboring Estero River Scrub Parcel (formerly the Sahdev property) through eminent domain due to its ecological importance. The doubling of density in the Estero 60 parcel could cause harm to the region's wildlife and hydrology while increasing pollutants that reach Estero Bay and the conservation lands that surround the parcel. We hope you follow the recommendation of the Lee County planning staff and not approve Lee County Comprehensive Plan Amendment PAM 98-06. If you have any questions please contact any of the signature organizations. You have our contact information from our meeting on November 2.

Sincerely,

Calusa Group of the Sierra Club
Conservancy of Southwest Florida
Environmental Confederation of Southwest Florida (ECOSWF)
Florida Conservation Project
Responsible Growth Management Coalition

cc: Roger Wilburn, Community Program Administrator (with all attachments)
Lee County Board of County Commissioners

Attachments: Relevant policies from Lee Plan
Florida Administrative Code 62-302 and 62-4
Estero Bay Buffer Preserve Land Management Plan (pgs. 4,6, 17-18, 40-41)
Baseline Wildlife Inventory of the Estero Bay Aquatic Preserve and the EBBP (pgs. 2-3, 34-39)
Plant and Habitat Inventory of the Estero River Scrub Parcel (pg. 4)

Lee County Comprehensive Plan

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)

POLICY 39.1.5: The county shall, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30)

POLICY 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.

OBJECTIVE 41.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM.
Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

OBJECTIVE 74.1: ENVIRONMENTALLY CRITICAL AREAS. Within the coastal planning area, the county shall manage and regulate, on an ongoing basis, environmentally critical areas to conserve and enhance their natural functions. Environmentally critical areas include wetlands (as defined in Goal 84) and Rare and Unique upland habitats. Rare and Unique upland habitats include, but are not limited to: sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (FDOT, 1985). (See also Policy 83.1.4.) The digitization of the 1989 baseline coastal vegetation mapping (including wetlands and rare and unique uplands, as defined above) shall be completed by 1996. (Amended by Ordinance No. 94-30)

POLICY 74.1.1: Development shall be limited in Rare and Unique upland habitats and strictly controlled in wetlands in the coastal planning area. (See Policy 77.1.1(2) and Goal 84.) (Amended by Ordinance No. 94-30)

POLICY 74.1.3: The county shall study the costs and benefits of extending the Estero Bay Aquatic Preserve to include major inland tributaries (Hendry, Mullock, and Spring Creeks, and the Estero and Imperial Rivers) by 2005. (Amended by Ordinance No. 94-30, Relocated & Amended by Ordinance No. 98-09)

GOAL 77: RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity,

water quality, and natural surface water characteristics.

OBJECTIVE 77.1: RESOURCE MANAGEMENT PLAN. The county shall continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape. (Amended by Ordinance No. 94-30)

OBJECTIVE 77.4: ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

POLICY 83.1.5: Lee County shall protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

POLICY 100.9.7: The county shall coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas.

62-302.700 Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters.

(1) It shall be the Department policy to afford the highest protection to Outstanding Florida Waters and Outstanding National Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding National Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.

(2) A complete listing of Outstanding Florida Waters and Outstanding National Resources Waters is provided in subsections (9) and (10). Outstanding Florida Waters generally include the following surface waters (unless named as Outstanding National Resource Waters):

(a) waters in National Parks, Preserves, Memorials, Wildlife Refuges and Wilderness Areas;

(b) waters in the State Park System and Wilderness Areas;

(c) waters within areas acquired through donation, trade, or purchase under the Environmentally Endangered Lands Bond Program, Conservation and Recreation Lands Program, Land Acquisition Trust Fund Program, and Save Our Coast Program;

(d) rivers designated under the Florida Scenic and Wild Rivers Program, federal Wild and Scenic Rivers Act of 1968 as amended, and Myakka River Wild and Scenic Designation and preservation Act;

(e) waters within National Seashores, National Marine Sanctuaries, National Estuarine Research Reserves, and certain National Monuments;

(f) waters in Aquatic Preserves created under the provisions of Chapter 258, Florida Statutes;

(g) waters within the Big Cypress National Preserve;

(h) Special Waters as listed in Rule 62-302.700(9)(i); and

(i) Certain Waters within the Boundaries of the National Forests.

(3) Each water body demonstrated to be of exceptional recreational or ecological significance may be designated as a Special Water.

(4) The following procedure shall be used in designating an Outstanding National Resource Water as well as any Special Water:

(a) Rulemaking procedures pursuant to Chapter 120, F.S., and Chapter 62-1, F.A.C., shall be followed;

(b) At least one fact-finding workshop shall be held in the affected area;

(c) All local county or municipal governments and state legislators whose districts or jurisdictions include all or part of the water shall be notified at least 60 days prior to the workshop in writing by the Secretary;

(d) A prominent public notice shall be placed in a newspaper of general circulation in the area of the proposed water at least 60 days prior to the workshop; and

(e) An economic impact analysis, consistent with Chapter 120, shall be prepared which provides a general analysis of the impact on growth and development including such factors as impacts on planned or potential industrial, agricultural, or other development or expansion.

(5) The Commission may designate a water of the State as a Special Water after making a finding that the waters are of exceptional recreational or ecological significance and a finding that the environmental, social, and economic benefits of the designation outweigh the environmental, social, and economic costs.

(6) The Commission may designate a water as an Outstanding National Resource Water after making all of the following findings:

(a) That the waters are of such exceptional recreational or ecological significance that water quality should and can be maintained and protected under all circumstances other than temporary degradation and the lowering allowed by Section 316 of the Federal Clean Water Act; and,

(b) That the level of protection afforded by the designation as Outstanding National Resource Waters is clearly necessary to preserve the exceptional ecological or recreational significance of the waters; and

(c) That the environmental, social, and economic benefits of the designation outweigh the environmental, social, and economic costs.

(7) The policy of this section shall be implemented through the permitting process pursuant to Section 62-4.242, F.A.C.

(8) For each Outstanding Florida Water listed under Rule 62-302.700(9), the last day of the baseline year for defining the existing ambient water quality (Rule 62-4.242 (2)(c)) is March 1, 1979, unless otherwise indicated. Where applicable, Outstanding Florida Water boundary expansions are indicated by date(s) following "as mod." under Rule 62-302.700(9). For each Outstanding Florida Water boundary which expanded subsequent to the original date of designation, the baseline year for the entire Outstanding Florida Water, including the expansion, remains March 1, 1979, unless otherwise indicated.

(9) Outstanding Florida Waters:

(a) Waters within National Parks and National Memorials

<u>National Park or National Memorial</u>	<u>County</u>
1. Biscayne National Park (as mod. 5-14-86; 8-8-94)	Dade
2. Dry Tortugas National Park (10-4-90)	Monroe
3. Everglades National Park (as mod. 8-8-94)	Monroe/Dade/ Collier

Effective 12-26-96

(4) An operation permit may be renewed upon application to the Department. No renewal permit shall be issued if the Department finds that the proposed discharge will reduce the quality of the receiving waters below the classification established for them. Specific Authority: 403.061, 403.088, FS. Law Implemented: 403.021, 403.031, 403.061, 403.087, 403.088, 403.101, FS. History: New 5-17-72, Amended 8-31-88, 10-4-89. Previously numbered as 17-4.23, Formerly 17-4.240.

62-4.242 Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement.

(1) Antidegradation Permitting Requirements.

(a) Permits shall be issued when consistent with the antidegradation policy set forth in Rule 62-302.300, and if applicable, Rule 62-302.700.

(b) In determining whether a proposed discharge which results in water quality degradation is necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the department shall consider and balance the following factors:

1. Whether the proposed project is important to and is beneficial to the public health, safety, or welfare (taking into account the policies set forth in Rules 62-302.100, 62-302.300, and if applicable, 62-302.700); and

2. Whether the proposed discharge will adversely affect conservation of fish and wildlife, including endangered or threatened species, or their habitats; and

3. Whether the proposed discharge will adversely affect the fishing or water-based recreational values or marine productivity in the vicinity of the proposed discharge; and

4. Whether the proposed discharge is consistent with any applicable Surface Water Improvement and Management Plan that has been adopted by a Water Management District and approved by the Department.

(c) In addition to subsection (b) above, in order for a proposed discharge (other than stormwater discharges meeting the requirements of Chapter 62-25, F.A.C.), to be necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the permit applicant must demonstrate that neither of the following is economically and technologically reasonable:

1. Reuse of domestic reclaimed water.

2. Use of other discharge locations, the use of land application, or reuse that would minimize or eliminate the need to lower water quality.

(2) Standards Applying to Outstanding Florida Waters

(a) No Department permit or water quality certification shall be issued for any proposed activity or discharge within an Outstanding Florida Waters, or which significantly degrades, either alone or in combination with other stationary installations, any Outstanding Florida Waters, unless the applicant affirmatively demonstrates that:

1. With respect to blowdown from a recirculated cooling water system of a steam electrical generating plant, that the discharge:

a. Meets the applicable limitations of Rule 62-302.520(4), F.A.C., at the point of discharge; or,

b. Has a mixing zone established pursuant to Rule 62-302.520(5)(b), F.A.C., which assures the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the Outstanding Florida Water, and which is established taking into account the recreational or ecological significance of such water; and,

c. Meets the temperature limits of Rule 62-302.520(4), F.A.C., at the boundary of the mixing zone established pursuant to Rule 62-302.520(6)(b), F.A.C.; or,

2. The proposed activity or discharge is clearly in the public interest; and either

a. A Department permit for the activity has been issued or an application for such permit was complete on the effective date of the Outstanding Florida Water designation; or,

b. The existing ambient water quality within Outstanding Florida Waters will not be lowered as a result of the proposed activity or discharge, except on a temporary basis during construction for a period not to exceed thirty days; lowered water quality would occur only within a restricted mixing zone approved by the Department; and, water quality criteria would not be violated outside the restricted mixing zone. The Department may allow an extension of the thirty-day time limit on construction-caused degradation for a period demonstrated by the applicant to be unavoidable and where suitable management practices and technology approved by the Department are employed to minimize any degradation of water quality.

(b) The Department recognizes that it may be necessary to permit limited activities or discharges in Outstanding Florida Waters to allow for or enhance public use or to maintain facilities that existed prior to the effective date of the Outstanding Florida Water designation or facilities permitted after adoption of the Outstanding Florida Water designation. However, such activities or discharges will only be permitted if:

1. The discharge or activity is in compliance with the provisions specified in subparagraph (2)(a)2. of this Section; or,

2. Management practices and suitable technology approved by the Department are implemented for all stationary installations including those created for drainage, flood control, or by dredging or filling; and,

3. There is no alternative to the proposed activity, including the alternative of not undertaking any change, except at an unreasonably higher cost.

(c) For the purpose of this section the term "existing ambient water quality" shall mean (based on the best scientific information available) the better water quality of either (1) that which could reasonably be expected to have existed for the baseline year of an Outstanding Florida Water designation, or (2) that which existed during the year prior to the date of a permit application. It shall include daily, seasonal, and other cyclic fluctuations, taking into consideration the effects of allowable discharges for which Department permits

were issued or applications for such permits were filed and complete on the effective date of designation.

(d) Rule 62-4.242(2) shall not apply to any dredge or fill activity or any discharge to an Outstanding Florida Water permitted by the Department on, or for which a complete permit application was filed on, the effective date of an Outstanding Florida Water designation; nor shall it apply to any renewal of a Department permit where there is no modification in the dredge or fill activity or discharge which would necessitate a permit review.

(e) Any activity that is exempted from permit programs administered by the Department, is not subject to the requirements of Rule 62-4.242.

(f) For the Apalachicola River north of Gulf County, this section shall not apply in the federally-authorized nine-foot navigation project, as follows:

1. Maintenance dredging and disposal and snag removal by the Army Corps of Engineers as presently performed pursuant to existing permits and its continuation under renewals thereof; or

2. Class A and B emergencies as defined in Rule 62-312.150(5), F.A.C.; or

3. Exemptions to permitting specified in Section 403.813, F.S. and Department rules; or

4. Any other permissible project of the Army Corps of Engineers deemed necessary by the Department pursuant to the considerations referenced in Rule 62-302.100(10)(c), F.A.C.

(3) Standards Applying to Outstanding National Resource Waters:

(a) All discharges or activities that may cause degradation of water quality in Outstanding National Resource Waters are prohibited, other than:

1. Discharges or activities that are exempted by statute from Department permitting or regulation;

2. Those discharges or activities described in Rules 62-4.242(2)(a)1.b., 62-4.242(2)(a)1.c., and 62-4.242(2)(a)2.b., F.A.C.

(b) Discharges or activities that would have the result of clearly enhancing the water quality of Outstanding National Resource Waters are not prohibited.

(c) In addition, the following restrictions apply in Outstanding National Resource Waters. Each is listed below, followed by a reference to DEP rules or Florida Statutes:

1. Water quality reclassification to a class with less stringent criteria is not allowed (Rule 62-302.400, F.A.C.).

2. New or expanded mixing zones can not be issued other than those for thermal discharges as allowed in Rule 62-4.242(1)(a)1.

3. Temporary Operation Permits can not be renewed (Rule 62-4.250, F.A.C.)

4. General Permits can not be used.

5. Exemptions from water quality criteria can not be issued (62-4.243; 62-6.020(5), (6), and (7); 62-25.030(3); and 62-28.130, F.A.C.).

6. Variances shall not be issued (Sections 403.201 and 403.938, F.S.)

7. Any special restrictions for water quality protection in Outstanding Florida Waters, whether in Department rules or Florida Statutes, also apply in Outstanding National Resource Waters.

(d) This subsection shall not apply to any existing activity permitted, exempted, or for which a completed application for permit was filed, on or before the effective date of the Outstanding National Resource Water designation; nor shall it apply to any renewal of a Department permit where there is no modification of the activity which would necessitate a permit review.

(e) Subparagraph 62-4.242(3)(d) shall not apply to any activity which contributes to the degradation of water quality in an Outstanding National Resource Water beyond those levels established for the baseline year.

(4) Equitable Abatement.

(a) It shall be Department policy to further protect and enhance the quality of those surface waters whose quality has been artificially lowered below the quality necessary to support their designated uses. For such waters, no new activity or discharge shall be issued a Department license to construct unless the applicant affirmatively demonstrates that:

1. Water quality standards once achieved would not be violated as a result of the proposed activity or discharge;

2. The proposed activity or discharge is necessary or desirable under federal standards; and

3. The proposed activity or discharge is clearly in the public interest.

(b) To allocate equitably the relative levels of responsibility for abatement among persons directly discharging significant amounts of pollutants into waters which fail to meet one or more of the water quality criteria applicable to those waters, it is necessary to determine the amounts of those pollutants contributed by each of those persons and to consider all factors relevant to the equitable allocation of that responsibility. The following provisions of this section prescribe the means by which the Department, upon the petition of a license applicant, will equitably allocate among such persons the relative levels of abatement responsibility of each for abatement of those pollutants and by which it will establish for each of those persons, if necessary, an abatement program and schedule to accomplish any abatement determined necessary under the provisions of this Section.

(c)1. For a surface water body, or portion thereof, which is determined by the Department to fail to meet one or more of the water quality criteria applicable to that water body, an applicant for a license to construct or operate a stationary installation to discharge wastes which contributes, or will contribute, to that failure may petition the Department in writing for an equitable allocation of the relative levels of responsibility for abatement among the stationary installations which discharge significant amounts of one or more of the pollutants which contribute to the failure of those waters to meet the water quality criterion (a) specified in the petition.

LAND MANAGEMENT PLAN

FOR THE

ESTERO BAY STATE BUFFER PRESERVE

LEE COUNTY, FLORIDA

PREPARED BY

**BUREAU OF COASTAL AND AQUATIC MANAGED
AREAS**

DIVISION OF MARINE RESOURCES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FOR THE PERIOD

MAY 1997

Through

MAY 2002

amended to reflect these additions. Until such time, newly acquired parcels will be managed under the same guidelines as the existing Buffer lands and this Plan. See Figure 3 for a map of the CARL project boundary.

D. DEGREE OF TITLE INTEREST HELD BY THE BOARD, INCLUDING RESERVATIONS AND EASEMENTS

The BOT holds fee simple title to 5,706 acres of CARL and deeded State lands within the Buffer. An additional 640 acres within the Buffer are leased by the BOT from TNC and subleased to the DMR for management. See Exhibit D for a copy of lease agreement No.4083. This lease provides authority for the DMR to manage the Buffer. The exceptions and easements in specific deeds within lease No.4083 are also found in Exhibit D.

E. LAND ACQUISITION PROGRAM UNDER WHICH PROPERTY WAS ACQUIRED

Of the 6,346 acres in the Buffer, 5,386 were acquired under the CARL Program in 1987 and 1988. No acquisition has taken place since that time. But, the increased ranking of the Estero Bay Aquatic Preserve Buffer CARL Project in December, 1996 will afford a continuation of acquisition starting in July, 1997 with funds available from the CARL Program under Preservation 2000.

The purpose for state acquisition of lands within this CARL Project is for the protection of Estero Bay's water quality, it's native plants and animals, and it's archeological sites, and to provide recreational opportunities to the people of the rapidly growing Fort Myers area. The management goals and projected uses of these lands are: to provide a protective buffer to the adjacent Aquatic Preserve and other waters of the State; to conserve and protect environmentally important, natural communities; to protect and preserve native species and their habitats, particularly listed species; to maintain the land in as natural a state as possible through practices such as prescribed burning, exotic plant and animal eradication, and hydrological restoration; to protect archeological and historical

resources; and to provide resource-based recreation such as canoeing, hiking, bird watching and nature appreciation. Statutory authority for this single use type of management falls under Chapters 253, 259, 267 and 872 Florida Statutes. See Section G of this Plan in regard to the "single use" designation.

F. PUBLIC USES CONSISTENT WITH PURPOSE FOR ACQUISITION

Public access to State Buffer Preserve lands is an important factor when considering management strategies for these areas. It has been determined that resource-based recreation such as canoeing, hiking, bird watching and nature appreciation are public uses which will be accommodated. The DMR will provide appropriate public access and facilities for outdoor recreation while protecting critical resources.

As development increases on lands surrounding the Buffer there will be diminishing opportunities for the public to participate in outdoor recreation activities that require extensive tracts of open, "unimproved" lands. Just as the submerged lands / open water character of the Aquatic Preserve are attractive to fishing and water sports enthusiasts, the Buffer's relatively dry upland habitats, such as pine flatwoods and high marshes, are also sought after for a wide variety of outdoor activities. The abbreviated hydroperiod, soil stability, canopy, overstory and variety of spatial densities (from open clearing to heavy forest) make for many diverse recreation settings. It is anticipated that most of the Buffer recreation activities will be centered in the uplands and the DMR will, therefore, plan access and facilities here initially. Fishing, horseback riding, hiking, bike riding, camping, bird study and nature appreciation are a few of the varieties of outdoor recreation opportunities that require these settings.

The public will have access to these opportunities when feasible to do so without degrading the use areas or access points. The outer perimeter of the Buffer, as currently configured, has only one point where the public road system meets the boundary. The southern end of Winkler Road ends in a cul-de-sac at the northern boundary, an area of pine flatwoods that has been heavily invaded by *Melaleuca* and to a lesser extent Australian Pine (*Casuarina sp.*).

The region has been historically known as an abundant recreational fishing ground, a prominent regional wading and shorebird breeding / wintering area and home to a sizable population of manatees and bottlenosed dolphins. The Ostego Bay Foundation has cataloged dolphin individuals and currently estimates a resident population of about three dozen in the estuary. DEP's Florida Marine Research Institute includes the region in its manatee survey and shorebirds are counted at intervals by the FGFWFC.

The present Buffer contains 6,346 acres of mixed upland and wetland habitats along the headland rim of the Estero Bay estuary. About 30-40% of Buffer lands are suitable for and used by upland mammal species such as white-tailed deer, Florida black bear, Big Cypress fox squirrel, feral hogs and several rabbit species. These lands are lumped into a vegetation cover class called Wet Flatwoods and Tidal Marsh by FNAI. Similar habitat in the region has been documented to support a wide diversity of reptiles and amphibians and provides nesting, roosting and transient stopover habitat for more than 100 species of resident and migrant birds. The Unconsolidated Substrates (another FNAI cover class) are the mud flats and salt pans of the Buffer. These areas share bird use with the wading and shorebird roosting / feeding flats located on the Gulf side of Estero Island, an avian aggregation of regional and Eastern flyway importance. Sixteen of these bird species are listed as Threatened or Endangered. See Section J 5 for a more detailed discussion of listed species.

5. STATE & FEDERALLY LISTED SPECIES AND THEIR BUFFER HABITATS

At least seventy-two species (32 plant, 40 animal) considered Endangered, Threatened or otherwise legally listed spend all or part of their lives in habitats found in the Buffer. See Exhibits I and J for a roster of these species with notes on their Buffer habitat use. The action plans formulated to maintain Buffer habitats will be designed to optimize conditions that maintain a wide diversity of species including these listed species. This objective promotes the goal of ecosystem stability, thus increasing the long-term benefits to the citizens of Florida.

Several listed species, and some that are not listed, have habitat needs that allow them to serve as generalized indicators of conditions in a habitat. When the needs of these indicator species are met, the habitat also provides benefits to a much wider set of flora and fauna with the same or similar habitat needs. Other key traits of a good indicator species are being conspicuous and relatively abundant.

Periodic surveys to document presence and conditional status of several listed and well documented indicator species will be used to help gauge habitat viability. The use of this indicator species approach to habitat analysis, combined with other site environmental data and management goals allows the efficient and more objective formulation of "ecosystem management" work plans. The objective of this approach is not to develop single-species-management projects, but to "pull back" for a wider vision of long-term stability or change in the whole ecosystem.

The exotic-infested pine forests around the Winkler Road access point stand to gain much by this approach. The maintenance of the Wet Flatwoods by prescribed herbicide and fire to control the spread of invasive plants would directly benefit about thirty-five percent of the listed species in Exhibit I with either improved food resources, cover or breeding opportunities.

6. BEACHES & DUNES

The Buffer soils underlying the Cow Slough and Hendry Creek complexes are considered relic Pleistocene dune ridges and swales. Similar structure underlies other parts of the region. Located as it is along the headland rim of Estero Bay, no active beach/dune systems are present within the Buffer boundary.

7. SWAMPS, MARSHES & AND OTHER WETLANDS

Almost all plant communities on the Buffer are considered jurisdictional wetlands such as marshes and mangrove forests.

S. MANAGEMENT NEEDS & PROBLEMS

- Complete boundary security including surveying, fencing and posting.
- Complete land acquisition, especially of high priority parcels within the CARL Project boundary.
- Conduct and complete resource inventories.
- Formulate invasive, exotic plant control plan.
- Formulate nuisance, exotic animal eradication plan.
- Develop a prescribed fire management plan.
- Investigate impacts from various public uses, and
- Develop guidelines for appropriate uses and additional public access.
- Investigate hydrological restoration capabilities and implementation.
- Increase public awareness through the formulation of a citizen support organization, Buffer brochure and multi-purpose interpretive display.
- Increase research and monitoring opportunities to include both natural and cultural resources.
- Pursue increased permanent staffing beyond the one Career Service (C.S.) and two Other Personnel Services (OPS) employees.
- Pursue increased funding for C.S. Staff, O.P.S. Staff, equipment and management needs.
- Increase enforcement capabilities in order to combat illegal hunting, dumping, vandalism and vehicular access.
- Locate a permanent office on suitable (unacquired as of this date) land within the Buffer.

T. CONFLICTING ADJACENT LAND USES

Continued, extensive development of large scale residential communities with their associated impacts including infrastructure and non-point source pollution continues to threaten the Buffer and the EBAP. Tracts being developed specifically within the CARL Project boundary eliminates the possibility of acquisition and therefore the benefits the Buffer, the EBAP and the public would accrue through acquisition and management.

A waste water treatment facility located just north of the northwest corner of the Buffer has had violations in the past and poses to be a potential threat to the planned uses of the Buffer.

U. LEGISLATIVE OR EXECUTIVE CONSTRAINTS ON USE OF THE PROPERTY

There are no specific constraints placed on the use of the Buffer by legislation or executive directives.

Limitations on activities are outlined in Chapter 18-23 F.A.C. State Buffer Preserves (Exhibit K).

V. CONFORMATION TO STATE LANDS MANAGEMENT PLAN

The planned uses of the Buffer comply with the Conceptual State Lands Management Plan. Because the single-use management concept in lease No. 4083 requires the Buffer to be managed only as a State Buffer Preserve, but allows for appropriate public use of the property, a balance is obtained.

Specific authority for the DMR's management of public land is derived from Sec. 253.03 (2) F.S. (Exhibit L).

W. SURPLUS LANDS

All of the land within the Buffer is viable and necessary in order to carryout the purpose of acquisition. In fact, in order to more effectively accomplish the purpose of acquisition, additional lands within the CARL Project boundary need to be acquired. This is addressed in the following section. No land within the Buffer is considered or will be declared as surplus.

BASELINE WILDLIFE INVENTORY

Submitted Pursuant to P.O. Numbers S 3700 304469 & S 3700 304473

Estero Bay Aquatic & State Buffer Preserve

LEE COUNTY, FLORIDA

JUNE 25, 2001

Submitted to:

Ms. Heather Stafford, Manager
Estero Bay Aquatic & State Buffer Preserve
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VERTEBRATE WILDLIFE OF THE ESTERO BAY AQUATIC AND STATE BUFFER PRESERVE

Introduction

In June of 2001, David S. Maehr conducted a wildlife survey on the "Estero River Scrub" (ERS) and "The Nature Conservancy" (TNC) parcels in the Estero Bay Aquatic and State Buffer Preserve. Details of vegetation and geographic information can be found in the accompanying report for vegetation coordinated by Ilene Barnett (Florida Department of Environmental Protection P.O. Number S 3700 304482 dated May 17, 2001).

Wildlife Survey Methodology

We used plant sampling transects, rivers, creeks, and existing roads and trails within the preserve to survey for terrestrial vertebrates. Due to the limitations in time, the potential for disturbing resident species, and the cessation of most breeding activities of resident wildlife, quadrat sampling was not used. Rather, walking and canoe surveys through representative habitats were used because they enabled the coverage of larger proportions of both areas (Appendix Figures 1 and 2). Species abundance and habitat type were recorded for each observation. Birds were identified by sight and sound. Reptiles and amphibians were recorded by sight. Mammals were identified by sight, tracks, or other sign (scat, burrow, etc.) (Murie 1998). Active burrows of gopher tortoises, raptor nests, and sign of bobcat encountered during surveys were recorded as Universal Transverse Mercator locations. Survey results for each area, and relative abundance figures for birds appear in the appendix.

Potential Species Lists

Species that were identified and that are expected to reside permanently or seasonally were listed in tables and keyed according to general habitat associations and, for birds, their residence status (breeding, resident, winter, migration, occasional). Amphibians, reptiles, and mammals were considered residents of the study area. Potential occurrences were verified using published reference materials: amphibians and reptiles (Ashton and Ashton 1985, 1988a, 1988b, Moler 1992); birds (Sprunt 1954, Kale and Maehr 1990, Robertson and Woolfenden 1992, Rodgers et al. 1996, Sibley 2000); mammals (Murie 1954, Burt and Grossenheider 1976, Stevenson 1976, Humphrey 1992, Whitaker and Hamilton 1998).

Results

Survey routes covered 11.86 miles through terrestrial habitats and mangrove forests, and 4.6 km through tidal creeks (Hendry Creek and Estero River). The broad habitat types mangroves, saltmarsh, open water and beach, melaleuca/exotic forest, and pine forest, covered 586.5 (34.5%), 502.6 (45.9%), 118.3 (10.6%), 64.7 (5.8%), and 44.0 (3.9%) acres, respectively in the TNC parcel. All other habitat types in this area totaled less than 1% of the area. Transects totaled 14,650 feet in mangroves, 4,850 feet in saltmarsh, 12,750 feet in open water (this transect covered mangrove habitat as well), 1,500 feet in melaleuca/exotic forest, 1,250 feet in pine forest, and 4,000 feet in grassy edge (primarily powerline easement). The broad habitat types mangroves, saltmarsh, open water and beach, melaleuca/exotic forest, and pine forest, covered 492.05 (38.1%), 64.3 (4.9%), 77.7 (6.0%), 204.6 (15.8%), and 426.7 (3.9%) acres, respectively in the Estero River

Scrub parcel. All other habitat types in this area totaled less than 1% of the area. Transects totaled 11,200 feet in mangroves, 1,100 feet in saltmarsh, 11,500 feet in open water (this transect covered mangrove habitat as well), 2,900 feet in melaleuca/exotic forest, 16,150 feet in pine forest, and 5,000 feet in grassy edge (primarily powerline easement). Although walking transects under-represented mangrove and salt marsh habitats due to their relative inaccessibility, canoe surveys passed primarily through mangrove forest.

A total of 300 vertebrate species may include the Estero Bay Aquatic and State Buffer Preserves as part of their ranges. Surveys revealed direct observation or evidence of 55 of these species: 2 amphibian species (Table 1), 3 reptile species (Tables 2 and 3), 43 bird species (Table 4), and 7 mammal species (Table 5). These are a subset of potential species that may inhabit the Estero Bay Aquatic and State Buffer Preserves including 11 amphibians, 32 reptiles, 227 birds, and 30 mammals (including 5 bat species). Racoon (*Procyon lotor*) tracks and other sign were found throughout both properties, and bobcat scat and tracks were found in nearly all habitat types (at least one scat contained the remains of a rabbit (*Sylvilagus* spp.). The preserve appears to be too small to support resident black bears (*Ursus americanus floridanus*; Maehr 1997), and no sign revealed the presence of white-tailed deer (*Odocoileus virginianus*). Similarly, no sign of Big Cypress fox squirrel (*Sciurus niger avicennia*) was encountered. The preserve is clearly too small and isolated from inhabited range to be used by the Florida panther (*Puma concolor coryi*; Maehr 1997).

I found more bird species in mangrove forests (39 species) than in any other habitat type (Appendix Table G). Pine forest surveys produced 16 species. Surveys through the other habitats produced only 4 bird species.

Listed Species

Fifty of the potential species have been given special status by the state of Florida and the U.S. Fish and Wildlife Service (Tables 1 – 5). Among birds, 3 are considered endangered, 7 as threatened, 18 as species of special concern, 7 as rare, and 4 as status undetermined. Mammals included 1 as endangered, 2 as threatened, 1 as rare, and 3 as status undetermined. Among reptiles, 1 was listed as endangered and 2 were listed as threatened. None of the amphibian species were listed.

Discussion

The wildlife species encountered during the surveys were representative of south Florida estuarine and associated biotic communities. Its small size, isolation from adjacent forest ecosystems, and its proximity to urban and residential areas has likely reduced the species richness of native species (especially large terrestrial mammals), and increased the number of exotic species that inhabit the preserve. Although we did not encounter two mangrove forest specialists, mangrove cuckoo and black-whiskered vireo, the habitat appears suitable for them. Surveys were likely conducted late enough in the year (past pair-formation and incubation) and conditions were sufficiently warm that neither species was still vocalizing. Many bird species begin nesting in late winter and early spring in south Florida, and thus, tend to be less observable from late spring through summer.

Table J. Potential vertebrate species at ERASBP.

Common name	Scientific name
Amphibians	
Oak toad	<i>Bufo quercicus</i>
Southern toad	<i>Bufo terrestris</i>
Florida cricket frog	<i>Acris gryllus dorsalis</i>
Green treefrog	<i>Hyla cinerea</i>
Pinewoods treefrog	<i>Hyla femoralis</i>
Squirrel treefrog	<i>Hyla squirella</i>
Little grass frog	<i>Limnaoedus ocularis</i>
Eastern narrowmouth toad	<i>Gastrophryne carolinensis</i>
Southern leopard frog	<i>Rana sphenoccephala</i>
Greenhouse frog	<i>Eleutherodactylus planirostris</i>
Cuban treefrog	<i>Osteopilus septentrionalis</i>
Reptiles	
Florida scarlet snake	<i>Cemophora coccinea coccinea</i>
Southern black racer	<i>Coluber constrictor priapus</i>
Southern ringneck snake	<i>Diadophis punctatus punctatus</i>
Eastern indigo snake	<i>Drymarchon corais couperi</i>
Corn snake	<i>Elaphe guttata guttata</i>
Yellow rat snake	<i>Elaphe obsoleta quadrivittata</i>
Eastern hognose	<i>Heterodon platyrhinos</i>
Common kingsnake	<i>Lampropeltis getulus</i>
Scarlet kingsnake	<i>Lampropeltis triangulum elapsoides</i>
Eastern coachwhip	<i>Masticophis flagellum flagellum</i>
Florida green water snake	<i>Nerodia cyclopion floridana</i>
Mangrove salt marsh snake	<i>Nerodia fasciata compressicauda</i>
Rough green snake	<i>Opheodrys aestivus</i>
Peninsula ribbon snake	<i>Thamnophis sauritus sackeni</i>
Eastern garter snake	<i>Thamnophis sirtalis sirtalis</i>
Eastern coral snake	<i>Micrurus fulvius fulvius</i>
Florida cottonmouth	<i>Agkistrodon piscivorus conanti</i>
Eastern diamondback rattlesnake	<i>Crotalus adamanteus</i>
Dusky pygmy rattlesnake	<i>Sistrurus miliarius barbouri</i>
American alligator	<i>Alligator mississippiensis</i>
American crocodile	<i>Crocodylus acutus</i>
Island glass lizard	<i>Ophisaurus compressus</i>
Eastern glass lizard	<i>Ophisaurus ventralis</i>
Green anole	<i>Anolis carolinensis carolinensis</i>
Brown anole	<i>Anolis sagrei sagrei</i>
Southeastern 5-lined skink	<i>Eumeces inexpectatus</i>
Ground skink	<i>Scincella laterale</i>
6-lined racerunner	<i>Cnemidophorus sexlineatus</i>
Atlantic loggerhead	<i>Caretta caretta caretta</i>
Ornate diamondback terrapin	<i>Malaclemys terrapin macrospilota</i>
Gulf coast box turtle	<i>Terrapene carolina major</i>

Gopher tortoise	<i>Gopherus polyphemus</i>
Birds	
Common loon	<i>Gavia immer</i>
Pied-billed grebe	<i>Podilymbus podiceps</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
Brown pelican	<i>Pelecanus occidentalis</i>
Double-crested cormorant	<i>Phalacrocorax auritus</i>
Anhinga	<i>Anhinga anhinga</i>
Magnificent frigatebird	<i>Fregata magnificens</i>
American bittern	<i>Botaurus lentiginosus</i>
Least bittern	<i>Ixobrychus exilis</i>
Great blue heron	<i>Ardea herodias</i>
Great egret	<i>Casmerodius albus</i>
Snowy egret	<i>Egretta thula</i>
Little blue heron	<i>Egretta caerulea</i>
Tricolored heron	<i>Egretta tricolor</i>
Reddish egret	<i>Egretta rufescens</i>
Cattle egret	<i>Bubulcus ibis</i>
Green-backed heron	<i>Butorides striatus</i>
Black-crowned night-heron	<i>Nycticorax nycticorax</i>
Yellow-crowned night-heron	<i>Nycticorax violacea</i>
White ibis	<i>Eudocimus albus</i>
Glossy ibis	<i>Plegadis falcinellus</i>
Roseate spoonbill	<i>Ajaia ajaja</i>
Wood stork	<i>Mycteria americana</i>
Fulvous whistling-duck	<i>Dendrocygna bicolor</i>
Muscovy duck	<i>Cairina moschata</i>
Wood duck	<i>Aix sponsa</i>
Green-winged teal	<i>Anas crecca</i>
American black duck	<i>Anas rubripes</i>
Mottled duck	<i>Anas fulvigula</i>
Mallard	<i>Anas platyrhynchos</i>
Northern pintail	<i>Anas acuta</i>
Blue-winged teal	<i>Anas discors</i>
Northern shoveler	<i>Anas clypeata</i>
Gadwall	<i>Anas strepera</i>
American wigeon	<i>Anas americana</i>
Canvasback	<i>Aythya valiseneria</i>
Redhead	<i>Aythya americana</i>
Ring-necked duck	<i>Aythya collaris</i>
Lesser scaup	<i>Aythya affinis</i>
Hooded merganser	<i>Lophodytes cucullatus</i>
Red-breasted merganser	<i>Mergus serrator</i>
Ruddy duck	<i>Oxyura jamaicensis</i>
Black vulture	<i>Coragyps atratus</i>
Turkey vulture	<i>Cathartes aura</i>

Osprey	<i>Pandion haliaetus</i>
American swallow-tailed kite	<i>Elanoides forficatus</i>
Bald eagle	<i>Haliaeetus leucocephalus</i>
Northern harrier	<i>Circus cyaneus</i>
Sharp-shinned hawk	<i>Accipiter striatus</i>
Cooper's hawk	<i>Accipiter cooperii</i>
Red-shouldered hawk	<i>Buteo lineatus</i>
Broad-winged hawk	<i>Buteo platypterus</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
American kestrel	<i>Falco sparverius</i>
Merlin	<i>Falco columbarius</i>
Peregrine falcon	<i>Falco peregrinus</i>
Wild turkey	<i>Meleagris gallopavo</i>
Northern bobwhite	<i>Colinus virginianus</i>
Black rail	<i>Laterallus jamaicensis</i>
Clapper rail	<i>Rallus longirostris</i>
King rail	<i>Rallus elegans</i>
Virginia rail	<i>Rallus limicola</i>
Sora	<i>Poranza carolina</i>
Purple gallinule	<i>Porphyryla martinica</i>
Common moorhen	<i>Gallinula chloropus</i>
American coot	<i>Fulica americana</i>
Limpkin	<i>Aramus gaurauna</i>
Sandhill crane	<i>Grus canadensis</i>
Black-bellied plover	<i>Pluvialis squatarola</i>
American golden plover	<i>Pluvialis dominica</i>
Piping plover	<i>Charadrius melodus</i>
Semipalmated plover	<i>Charadrius semipalmatus</i>
Cuban snowy plover	<i>Charadrius alexandrinus</i>
Wilson's plover	<i>Charadrius wilsonia</i>
Killdeer	<i>Charadrius vociferus</i>
American oystercatcher	<i>Haematopus palliatus</i>
Greater yellowlegs	<i>Tringa melanoleuca</i>
Lesser yellowlegs	<i>Tringa flavipes</i>
Solitary sandpiper	<i>Tringa solitaria</i>
Willet	<i>Catoptrophorus semipalmatus</i>
Spotted sandpiper	<i>Actitis macularia</i>
Upland sandpiper	<i>Bartramia longicauda</i>
Whimbrel	<i>Numenius phaeopus</i>
Long-billed curlew	<i>Numenius americanus</i>
Marbled godwit	<i>Limos fedoa</i>
Ruddy turnstone	<i>Arenaria interpres</i>
Red knot	<i>Calidris canutus</i>
Sanderling	<i>Calidris alba</i>
Dunlin	<i>Calidris alpina</i>
Pectoral sandpiper	<i>Calidris melanotos</i>

White-rumped sandpiper	<i>Calidris fuscicollis</i>
Western sandpiper	<i>Calidris mauri</i>
Semipalmated sandpiper	<i>Calidris pusilla</i>
Least sandpiper	<i>Calidris minutilla</i>
Short-billed dowitcher	<i>Limnodromus griseus</i>
Common snipe	<i>Gallinago gallinago</i>
Bonaparte's gull	<i>Larus philadelphia</i>
Laughing gull	<i>Larus atricilla</i>
Ring-billed gull	<i>Larus delawarensis</i>
Herring gull	<i>Larus argentatus</i>
Caspian tern	<i>Sterna caspia</i>
Royal tern	<i>Sterna maxima</i>
Sandwich tern	<i>Sterna sandvicensis</i>
Common tern	<i>Sterna hirundo</i>
Forster's tern	<i>Sterna forsteri</i>
Least tern	<i>Sterna antillarum</i>
Gull-billed tern	<i>Sterna nilotica</i>
Black tern	<i>Chlidonias niger</i>
Black skimmer	<i>Rynchops nigra</i>
Mourning dove	<i>Zenaida macroura</i>
Eurasian collared-dove	<i>Streptopelia decaocto</i>
Common ground-dove	<i>Columbina passerina</i>
Yellow-billed cuckoo	<i>Coccyzus americanus</i>
Mangrove cuckoo	<i>Coccyzus minor</i>
Barn owl	<i>Tyto alba</i>
Great horned owl	<i>Bubo virginianus</i>
Burrowing owl	<i>Speotyto cunicularia</i>
Eastern screech-owl	<i>Otus asio</i>
Chuck-will's-widow	<i>Caprimulgus carolinensis</i>
Whip-poor-will	<i>Caprimulgus vociferus</i>
Common nighthawk	<i>Chordeiles minor</i>
Chimney swift	<i>Chaetura pelagica</i>
Ruby-throated hummingbird	<i>Archilochus colubris</i>
Belted kingfisher	<i>Ceryle alcyon</i>
Red-bellied woodpecker	<i>Melanerpes carolinus</i>
Yellow-bellied sapsucker	<i>Sphyrapicus varius</i>
Downy woodpecker	<i>Picoides pubescens</i>
Northern flicker	<i>Colaptes auratus</i>
Pileated woodpecker	<i>Dryocopus pileatus</i>
Eastern wood-pewee	<i>Contopus virens</i>
Acadian flycatcher	<i>Empidonax virens</i>
Least flycatcher	<i>Empidonax minimus</i>
Eastern phoebe	<i>Sayornis phoebe</i>
Great crested flycatcher	<i>Myiarchus crinitus</i>
Gray kingbird	<i>Tyrannus dominicensis</i>
Eastern kingbird	<i>Tyrannus tyrannus</i>

Loggerhead shrike	<i>Lanius ludovicianus</i>
Red-eyed vireo	<i>Vireo olivaceus</i>
Black-whiskered vireo	<i>Vireo altiloquus</i>
White-eyed vireo	<i>Vireo griseus</i>
Yellow-throated vireo	<i>Vireo flavifrons</i>
Blue-headed vireo	<i>Vireo solitarius</i>
Blue jay	<i>Cyanocitta cristata</i>
American crow	<i>Corvus brachyrhynchos</i>
Fish Crow	<i>Corvus ossifragus</i>
Purple martin	<i>Progne subis</i>
Northern rough-winged swallow	<i>Stelgidopteryx serripennis</i>
Bank swallow	<i>Riparia riparia</i>
Tree swallow	<i>Tachycineta bicolor</i>
Cliff swallow	<i>Hirundo pyrrhonota</i>
Barn swallow	<i>Hirundo rustica</i>
Tufted titmouse	<i>Parus bicolor</i>
Carolina chickadee	<i>Parus carolinensis</i>
Brown-headed nuthatch	<i>Sitta pusilla</i>
Brown creeper	<i>Certhia americana</i>
Carolina wren	<i>Thryothorus ludovicianus</i>
House wren	<i>Troglodytes aedon</i>
Sedge wren	<i>Cistothorus platensis</i>
Marsh wren	<i>Cistothorus palustris</i>
Ruby-crowned kinglet	<i>Regulus calendula</i>
Blue-gray gnatcatcher	<i>Poliophtila caerulea</i>
Eastern bluebird	<i>Sialia sialis</i>
American robin	<i>Turdus migratorius</i>
Wood thrush	<i>Hylocichla mustelina</i>
Veery	<i>Catharus fuscescens</i>
Swainson's thrush	<i>Catharus ustulatus</i>
Gray-cheeked thrush	<i>Catharus minimus</i>
Gray catbird	<i>Dumetella carolinensis</i>
Northern mockingbird	<i>Mimus polyglottos</i>
Brown thrasher	<i>Toxostoma rufum</i>
European starling	<i>Sturnus vulgaris</i>
American pipit	<i>Anthus rubescens</i>
Cedar waxwing	<i>Bombocilla cedorum</i>
Northern parula	<i>Parula americana</i>
Orange-crowned warbler	<i>Vermivora celata</i>
Tennessee warbler	<i>Vermivora peregrina</i>
Blue-winged warbler	<i>Vermivora pinus</i>
Yellow warbler	<i>Dendroica petechia</i>
Chestnut-sided warbler	<i>Dendroica pensylvanica</i>
Magnolia warbler	<i>Dendroica magnolia</i>
Cape May warbler	<i>Dendroica tigrina</i>
Black-throated blue warbler	<i>Dendroica caerulescens</i>

Blackburnian warbler	<i>Dendroica fusca</i>
Yellow-rumped warbler	<i>Dendroica coronata</i>
Black-throated green warbler	<i>Dendroica virens</i>
Prairie warbler	<i>Dendroica discolor</i>
Palm warbler	<i>Dendroica palmarum</i>
Pine warbler	<i>Dendroica pinus</i>
Blackpoll warbler	<i>Dendroica striata</i>
Yellow-throated warbler	<i>Dendroica dominica</i>
Worm-eating warbler	<i>Helmitheros vermivorus</i>
Prothonotary warbler	<i>Protonotaria citrea</i>
Black-and-white warbler	<i>Mniotilta varia</i>
American redstart	<i>Setophaga ruticilla</i>
Swainson's warbler	<i>Limnothlypis swainsonii</i>
Ovenbird	<i>Seiurus aurocapillus</i>
Northern waterthrush	<i>Seiurus noveboracensis</i>
Louisiana waterthrush	<i>Seiurus motacilla</i>
Kentucky warbler	<i>Oporornis formosus</i>
Common yellowthroat	<i>Geothlypis trichas</i>
Hooded warbler	<i>Wilsonia citrina</i>
Summer tanager	<i>Piranga rubra</i>
Scarlet tanager	<i>Piranga olivacea</i>
Northern cardinal	<i>Cardinalis cardinalis</i>
Rose-breasted grosbeak	<i>Pheucticus ludovicianus</i>
Blue grosbeak	<i>Guiraca caerulea</i>
Indigo bunting	<i>Passerina cyanea</i>
Painted bunting	<i>Passerina ciris</i>
Dicksissel	<i>Spiza americana</i>
Eastern towhee	<i>Pipilo erythrophthalmus</i>
Field sparrow	<i>Spizella pusilla</i>
Chipping sparrow	<i>Spizella passerina</i>
Grasshopper sparrow	<i>Ammodramus savannarum</i>
Savannah sparrow	<i>Passerculus sandwichensis</i>
Song sparrow	<i>Melospiza melodia</i>
Lincoln's sparrow	<i>Melospiza lincolnii</i>
Swamp sparrow	<i>Melospiza georgiana</i>
Eastern meadowlark	<i>Sturnella magna</i>
Bobolink	<i>Dolichonyx oryzivorus</i>
Brown-headed cowbird	<i>Molothrus ater</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Common grackle	<i>Quiscalus quiscula</i>
Boat-tailed grackle	<i>Quiscalus major</i>
Baltimore oriole	<i>Icterus galbula</i>
Orchard oriole	<i>Icterus spurius</i>
American goldfinch	<i>Carduelis tristis</i>
House sparrow	<i>Passer domesticus</i>

PLANT AND HABITAT INVENTORY

Submitted Pursuant to P.O. Number S 3700 304482

ESTERO RIVER SCRUB (ERS) PARCEL

SECTIONS 19, 29, AND 30
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

JUNE 25, 2001

Submitted to:

Ms. Heather Stafford, Manager
Estero Bay Aquatic & State Buffer
Preserve
700-1 Fisherman's Wharf
Fort Myers Beach, FL 33931

Submitted by:

Vanasse & Daylor, LLP
12730 New Brittany Boulevard, Suite 600
Fort Myers, FL 33907

Prepared by:

Vanasse & Daylor, LLP



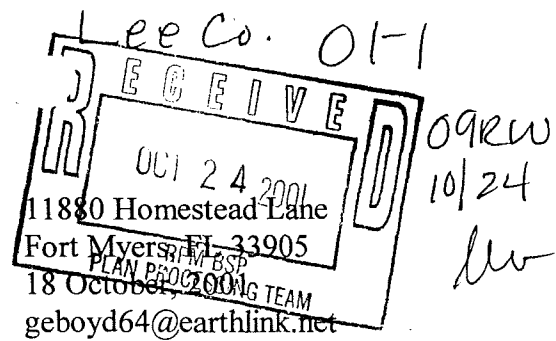
In Association

With:

Coastal Engineering Consultants, Inc.
17595 South Tamiami Trail, Suite 102
Fort Myers, FL 33908

Table 2-1. ERS Parcel: Ecological Communities (FLUCFCS)

CODE	DESCRIPTION	ACREAGE	% OF TOTAL
321	Palmetto prairie	7.4	0.6
3219	Palmetto prairie, disturbed	8.5	0.7
411	Pine Flatwoods	188.0	14.4
411/428	Pine/cabbage palm	5.9	0.5
4119	Pine flatwoods - disturbed	153.9	11.8
416	Scrubby Flatwoods	63.0	4.8
424	Meleleuca w/Saw palmetto	72.6	5.6
428	Cabbage palm	6.5	0.5
4289	Cabbage palm-disturbed hydric	1.3	0.1
437	Australian pine	0.9	0.1
439	Other Hardwoods	0.5	0.0
510	Streams and waterways	25.3	1.9
514	Ditches	14.9	1.1
524	Lakes less than 10 acres	1.1	0.1
612	Mangroves	477.5	36.7
612/743	Spoil moundswithin mangrove wetlands	11.7	0.9
6129	Mangroves-disturbed	2.8	0.2
617	Buttonwood/mangove/pepper	4.1	0.3
6191	Brazilian pepper, hydric	2.3	0.2
6192	Melaleuca, hydric	129.7	10.0
6219	Cypress, disturbed	0.7	0.1
6419	Freshwater marsh	0.2	0.0
642	Saltwater marsh	19.3	1.5
6422	Saltmarsh-needle rush	42.0	3.2
6439	Wet prairie, disturbed	3.0	0.2
651	Tidal flats	36.4	2.8
740	Disturbed land	0.5	0.0
7401	Disturbed lands, hydric	1.6	0.1
742	Borrow Pits	1.4	0.1
743	Spoil areas	1.2	0.1
812	Former railroad grade	5.8	0.5
831/832	Transmission lines (access road and R.O.W.)	12.9	0.9
	TOTAL	1301.9	100.0



Mr. Bernard Piawah
Bureau of Local Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: Lee County proposed Comprehensive Plan Amendment PAM 98-06

Dear Mr. Piawah:

We are writing to urge the Department of Community Affairs to consider rejecting the above proposed comprehensive plan amendment.

This proposed amendment doubles the allowable density on a 60+ acre parcel, from 1 DU/AC to 2 DU/AC. The parcel is bordered on its west and south sides by the Estero Scrub Preserve. At its currently allowable density, it makes a reasonable buffer between the Estero Scrub Preserve and higher density to the east. The applicant has not demonstrated that more urban lands at higher density are needed in Lee County at this time..

In addition, the parcel, as it is now, is mainly good pine flatwoods, with some wetlands and a cypress slough. It provides good wildlife habitat for many listed species, and would be a valuable addition to the Estero Scrub Preserve. Furthermore, the parcel location is too far from existing sanitary sewer infrastructure, and as a result, would require additional on-site septic systems that may further degrade ground and surface water systems, some of which are Outstanding Florida Waters.

The agent for the owner of the parcel has stated publicly that the request for the amendment is strictly to increase the price of the property before selling it to a developer.

We feel that the density on this parcel should remain at 1 DU/AC, as an additional buffer for the Estero Bay Aquatic Preserve. Thank you for your consideration of this matter.

Sincerely,

Eugene S. Boyd
Eleanor H. Boyd
Eugene and Eleanor Boyd

OPINION

Phone: (941) 335-0224 ■ 2442 Dr. Martin Luther King Jr. Blvd. Fort Myers, FL 33901-3987

8B WEDNESDAY, OCTOBER 17, 2001 ***

EDITORIALS

County's housing OK threatens Estero Bay

That pesky and useful environmental advisory group, the Estero Bay Agency on Bay Management, is at it again, with some of its members objecting to development plans that could harm the bay.

Good for them.

Lee County commissioners have already approved a doubling of the housing allowed on the 60-acre Estero Bay 60 project under the comprehensive land use plan — a blueprint critics say the commissioners follow all too loosely.

The doubling was approved despite objections from county staff. Staff didn't buy the justifications offered by the owners, who admit they want to increase the land's value for sale to a developer.

The land borders the environmental buffer designed to protect Estero Bay from the effects of the rapid development in the area.

Some members of the Agency on Bay Management say the land should be bought for preservation. A trustee for the owners

CALL THEM

Florida Department of
Community Affairs: (850) 922-1822



says the state has already rejected that idea.

But whether the land is bought by the state or developed, the housing density should not be doubled just to increase its market value.

The Agency on Bay Management has prepared a request that the state, which must approve amendments to the land use plan, reject this one.

We agree.

People should call the state Department of Community Affairs and urge officials there to reject this amendment as an unjustified danger to Estero Bay.

09RW
10/11 ew



THE CONSERVANCY Of Southwest Florida

1450 Merrihue Drive • Naples, Florida 34102
941.262.0304 • Fax 941.262.0672
www.conservancy.org

October 5, 2001

Bernard Piawah, Planning Manager
Department of Community Affairs
Division of Research, Planning, and Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399

Lee Co. 01-1

Dear Mr. Piawah,

Re: Lee County Comprehensive Plan Amendment PAM 98-06

The Conservancy of Southwest Florida is writing to the Department of Community Affairs (DCA) to express our concerns with Lee County's recently approved Comprehensive Plan Amendment PAM 98-06, which has been sent to you for review. This amendment would effectively double the allowable density of a 60.324-acre parcel within the Estero Bay Watershed. The subject was placed within the boundaries of the Estero Bay Aquatic Preserve Buffer Florida Forever project because of its ecological significance.

The Conservancy is a 501(c)(3) non-profit environmental organization. The Conservancy works to ensure the continual protection and viability of the ecologically valuable and unique natural areas of Southwest Florida for present and future generations. Our mission is to "lead the challenge to protect and sustain Southwest Florida's natural environment." The approval of PAM 98-06 is not consistent with our mission.

Our greatest concern is with the location of the Estero 60 parcel. It is bordered on two sides by the State-owned Estero River Scrub parcel, which is part of the Estero Bay State Buffer Preserve. Through sound science and proper planning the parcel was designated rural in the Lee County Comprehensive Plan, or Lee Plan. The Lee Plan should be followed whenever possible to ensure the vitality of Lee County. The current land use category of rural for this parcel allows the density in the region to gradually increase from the preserved land on the west to areas of greater density to the east. Amending the Lee Plan to change the Estero 60 land use category to outlying suburban is not conducive with the protected lands that border the site on two sides.

This historically significant Estero Bay became the State's first Aquatic Preserve in 1966. Estero Bay also receives increased protection through its designation as an Outstanding Florida Water. The majority of the subject parcel consists of high quality scrubby pine flatwoods along with 8 acres of wetlands that form a slough system, which is valuable to stormwater conveyance and storage capacity for the area. A portion of the property lies within the designated Category 1 storm surge zone and would serve as a valuable buffer to more inland development if a storm hit the Estero Bay region.

The subject property contains valuable wildlife habitat for many species. The land contains potential habitat for 20 Lee County listed species, including the Florida panther and Florida black bear. Twenty-nine active gopher tortoise burrows have been observed on the property.



THE CONSERVANCY Of Southwest Florida

1450 Merrihue Drive • Naples, Florida 34102
941.262.0304 • Fax 941.262.0672
www.conservancy.org

The Conservancy of Southwest Florida is in its 38th year leading the challenge to protect and sustain Southwest Florida's natural environment. On behalf of our 5,800 member families, over 700 volunteers, and 32-member Board of Directors, I urge the DCA to follow the detailed opinion of Lee County staff and reject Lee County Comprehensive Plan Amendment PAM 98-06. The applicant has not justified the need for this increase or density or proven that the increase will not cause harm to the area's environment. The subject property has been recognized for its ecological significance to the region. We feel that doubling the density on such a piece of property could cause significant harm to the Estero Bay and its watershed. As we lead the challenge to protect and sustain Southwest Florida's natural environment, The Conservancy of Southwest Florida feels rejection of this Amendment would protect a valuable piece of the Estero Bay Aquatic Preserve Buffer Florida Forever. If you have any questions regarding our position, please contact Matt Bixler, our Lee County Environmental Policy Specialist, at (941) 275-0330.

Sincerely,

Kathy Prosser
President and CEO

**Phyllis & Irwin Bogen
1053 Sea Hawk Lane
Sanibel, FL 33957**

November 2, 2001

Bureau of Local Planning
Dept. of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

To: Bernard Piawah

It has come to our attention that Lee County is submitting a Comprehensive Plan Amendment to the state in order to double the density on a 60 acre property that is slated for purchase through the Florida Forever Program. This ploy will undoubtedly increase the cost of the property.

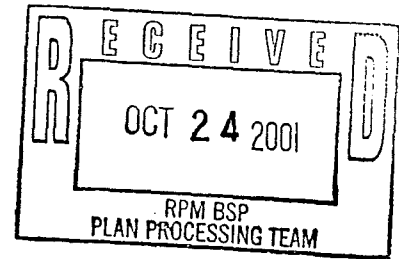
Please do not accept the plan amendment -- i.e., PAM 98-06!

Yours truly,

Phyllis Bogen
Irwin Bogen
Phyllis & Irwin Bogen

MICHAEL J. GILLESPIE

1291 SANDCASTLE ROAD
SANIBEL ISLAND, FLORIDA 33957
(941) 472-4828



October 22, 2001

Mr. Bernard Paiwah
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

RE: Estero Bay (Lee County) Density Increase

Dear Mr. Paiwah:

The Lee County Board of Commissioners recently passed a measure doubling the density of a 60-acre parcel on Estero Bay. It is my understanding that this measure is subject to approval by your Department.

I write to strenuously protest this measure. It was passed despite the recommendations (to the contrary) of the Lee County Planning Staff. And it is vigorously opposed by The Estero Bay Agency on Bay Management.

The land in question borders an environmental buffer protecting Estero Bay from pollution. I am told the owners of this land, who intend to sell it to a developer, lobbied for the density increase to significantly increase the land value and their profits.

This has all the appearances of a measure that rates development and the economic interests of a small minority above environmental protection that is in the interest of the public at large.

I urge that you disapprove and reject this insupportable density increase.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Gillespie".

Michael J. Gillespie



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

November 21, 2001

The Honorable Robert Janes
Chairman, Lee County Board
of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chairman Janes:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Lee County (DCA No. 01-1), which was received by the Department on September 17, 2001. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for review and their comments are enclosed.

The Department has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C), Chapter 163, Part II, Florida Statutes (F.S.), and the adopted Lee County Comprehensive Plan. The issues identified in this Objections, Recommendations and Comments Report include concerns about the suitability of the proposed amendment Case No. PAM 98-06 for the site. It is very important that the adopted plan amendment address these issues, and all objections in the Department's ORC Report.

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, F.A.C. Upon receipt of this letter, the County has 60 days within which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781

Internet address: <http://www.dca.state.fl.us>

Honorable Robert Janes
November 21, 2001
Page Two

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's ORC Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate Notice Of Intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan or plan amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b) which are effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.

If you have any questions, please call Roger Wilburn, Community Program Administrator or Bernard O. Piawah, Planning Manager, in the Bureau of Local Planning at (850) 922-1810.

Sincerely,



Charles Gauthier, Chief
Bureau of Local Planning

CG/bop

enclosures: Other Agency Comments

cc: Mr. Paul O'Connor, AICP, Director, Lee County
Mr. Wayne E. Daltry, Executive Director, Southwest Florida RPC

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS
FOR
LEE COUNTY
COMPREHENSIVE PLAN AMENDMENT 01-1

November 21, 2001
Division of Community Planning
Bureau of Local Planning
This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Lee County 01-1 proposed amendment to their comprehensive plan pursuant to s.163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by local government and corrected when the amendment is re-submitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Department objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS RECOMMENDATION AND COMMENTS REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT 01-1
LEE COUNTY**

I. CONSISTENCY WITH RULES 9J-5 AND CHAPTER 163., F.S.

Lee County's proposed Amendment 01-1 involves changes to numerous elements of the comprehensive plan including Future Land Use Map changes. The Department raises objections to Amendments **PAM 98-06 and PAT 99-20:**

Objections:

PAM 98-06:

This is a proposal to revise the Future Land Use Map for a 60-acre site located in the vicinity of Pine Road and U.S. 41. The subject site is adjacent to Estero Scrub Preserve, a state-owned conservation area. According to the supporting documentation, the site is habitat to a variety of endangered and threatened species. In view of this fact, the amendment is not supported by adequate data and analysis demonstrating the suitability of the proposed designation considering the environmentally sensitive nature of the site. The proposed increase in density on this 60-acre site, from one dwelling unit per acre to two dwelling units per acre, will result in increased run-off, from the site, into the preservation area and has the potential to adversely impact this environmentally sensitive resource. The project will utilize septic tanks for sewage disposal which has the potential to leak out and contaminate the bay. Furthermore, a density of two dwelling units per acre may be too high for this site since it is very environmentally sensitive, and data and analysis have not been provided indicating how development will occur on the site, at the proposed density, without endangering the protection of the threatened and endangered species that may inhabit it.

In addition, the amendment appears to be inconsistent with Lee Plan's Objective 77.1, 77.3, and 77.4; and Policies 77.2.10, 77.3.1, 77.4.1, 77.4.2, and 83.1.5, regarding the protection of environmentally sensitive areas, endangered and threatened species and their habitat.

According to the information provided, the proposed amendment will impact U.S. 41, which currently does not have the capacity to accommodate the proposed amendment. Although U.S. 41 is operating at level of service F, at the moment, the additional trips from this project will exacerbate the situation.

Chapter 163.3177(2), (6)(a), (d), (9)(b), Florida Statutes; Rule 9J-5.005(2)(a), & (5); 9J-5.006(2)(a), (b), (3)(b)1., (3)(c)3., & 6.; 9J-5.011(1)(f)1.; 9J-5.012(3)(c)1.; 9J-5.013(1)(a)5., (2)(b)3., & 4., (2)(c)5., 6., & 9., Florida Administrative Code (F.A.C.).

Recommendation: Demonstrate, with adequate data and analysis, that the increased density will not result in an adverse impact on the Estero Scrub Preserve. Furthermore, demonstrate, with adequate data and analysis, the suitability of the site for the proposed land use designation and show how development will occur on the site without endangering the threatened and endangered species that may inhabit the area, as well as how the increased density will take place without exacerbating the traffic condition on U.S. 41. In addition, demonstrate the consistency of the amendment with the Lee Plan Objectives and Policies listed above. Since the density of two units per acre may be too high for the site, considering its environmentally sensitive nature, alternatively, the County should consider not adopting the amendment.

PAT 99-20

The proposed Policy 15.5.1 defers the identification of the commercial and industrial uses that will locate in the Port District to a separate document outside the comprehensive plan instead of including such guidelines in the plan as required.

Chapter 163.3177(2), (6)(a), (d), (9)(b), and Rule 9J-5.005(2)(a), & (5); F.A.C.

Recommendation: Revise the plan to specify the commercial and industrial uses that are allowed in the Port District.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendment does not adequately address and further the State Comprehensive plan including the following goal and policies:

Natural Systems and Recreational Lands Goal (10)(a) and Policies (b)1,3,4, regarding the conservation of forests, wetlands, fish, marine life and wildlife to maintain their environmental values.

Public Facilities goal (18)(a) and Policies (b)1 and (2), regarding the provision of public facilities.

Recommendation: Revise the proposed amendment, as indicated in the report, in order to be consistent with the above goal and policies of the State Comprehensive plan.

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Department of Community Affairs has raised objections to proposed amendment PAM 98-06. The DCA objections are reproduced below:

Objections:

PAM 98-06:

This is a proposal to revise the Future Land Use Map for a 60-acre site located in the vicinity of Pine Road and U.S. 41. The subject site is adjacent to Estero Scrub Preserve, a state-owned conservation area. According to the supporting documentation, the site is habitat to a variety of endangered and threatened species. In view of this fact, the amendment is not supported by adequate data and analysis demonstrating the suitability of the proposed designation considering the environmentally sensitive nature of the site. The proposed increase in density on this 60-acre site, from one dwelling unit per acre to two dwelling units per acre, will result in increased run-off, from the site, into the preservation area and has the potential to adversely impact this environmentally sensitive resource. The project will utilize septic tanks for sewage disposal which has the potential to leak out and contaminate the bay. Furthermore, a density of two dwelling units per acre may be too high for this site since it is very environmentally sensitive, and data and analysis have not been provided indicating how development will occur on the site, at the proposed density, without endangering the protection of the threatened and endangered species that may inhabit it.

In addition, the amendment appears to be inconsistent with Lee Plan's Objective 77.1, 77.3, and 77.4; and Policies 77.2.10, 77.3.1, 77.4.1, 77.4.2, and 83.1.5, regarding the protection of environmentally sensitive areas, endangered and threatened species and their habitat.

According to the information provided, the proposed amendment will impact U.S. 41, which currently does not have the capacity to accommodate the proposed amendment. Although U.S. 41 is operating at level of service F, at the moment, the additional trips from this project will exacerbate the situation.

Chapter 163.3177(2), (6)(a), (d), (9)(b), Florida Statutes; Rule 9J-5.005(2)(a); & (5); 9J-5.006(2)(a), (b), (3)(b)1., (3)(c)3., & 6.; 9J-5.011(1)(f)1.; 9J-5.012(3)(c)1.; 9J-5.013(1)(a)5., (2)(b)3., & 4., (2)(c) 5., 6., & 9., Florida Administrative Code (F.A.C.).

Recommendation:

Demonstrate, with adequate data and analysis, that the increased density will not result in an adverse impact on the Estero Scrub Preserve. Furthermore, demonstrate, with adequate data and analysis, the suitability of the site for the proposed land use designation and show how development will occur on the site without endangering the threatened and endangered species that may inhabit the area, as well as how the increased density will take place without exacerbating the traffic condition on U.S. 41. In addition, demonstrate the consistency of the

amendment with the Lee Plan Objectives and Policies listed above. Since the density of two units per acre may be too high for the site, considering its environmentally sensitive nature, alternatively, the County should consider not adopting the amendment.

B. STAFF RESPONSE

DCA staff found that the amendment was not supported by adequate data and analysis to justify the proposed future land use designation. Increasing density on the site will increase runoff into adjoining areas. There is a concern about doubling the number of septic systems on the property and the effect on water quality. Further, data and analysis have not been provided showing how development will occur without endangering the protection of the threatened or endangered species that may inhabit the site. In addition to the concerns originally raised by staff, the DCA received several letter objecting to the amendment (see attached).

Staff forwarded the DCA objections to the applicant's representatives and offered them an opportunity to respond to the DCA objections. The applicant submitted the attached documents on December 21, 2001 (see attachment) in response the DCA objections. In general, the response argues that the permitting process of the County, the Water Management District and the Department of Environmental Protection, will adequately address the majority of the DCA objections. In addition, the applicant has conducted a Protected Species Survey of the property and has proposed a Habitat Management Plan (both are included in the applicant's response).

The applicant states that the property is within an area that has franchised water and sewer service. This is correct, the property is within the Gulf Environmental Services franchise area. This franchise area may be acquired by the County at some point in the future. Staff notes, however, that the proposed density of the subject property is 2 units per acre. Standard 11.2 of the Lee Plan requires that any new residential development that exceeds 2.5 dwelling units per acre must connect to a sanitary sewer system. This threshold is also included in the Land Development Code. Therefore, even at the maximum proposed density, any development would not be required to connect to sewer service. The applicant states in their response that runoff and septic tank concerns can be addressed through "clustering" or other development design measures. However, adoption of the proposed amendment would not require the applicant or any future owners to implement any of these measures. In fact, the applicant included in their response a site plan that depicts a possible development scenario that impacts almost al of the property.

The applicant has stated that preservation and habitat concerns will be addressed through management plans during the development process. Staff notes that none of the environmental and ecological management plans proposed by the applicant are binding. All of the mitigation measures stated by the applicant are part of the permitting and development order process and have no bearing upon the Lee Plan amendment process. The proposed amendment provides no guarantee that any mitigation measures will be implemented or that the concerns of State and County planning staff will be addressed.

The applicant states that the proposed amendment will not impact the level of service standard on US41. The DOT has stated that US41 will operate at LOS F in the year 2020 even with all transportation improvements in place. The proposed amendment would add additional units which would exacerbate an already unsatisfactory situation.

Adoption of this amendment would create an isolated, 2.3 acre area of Rural designated land between the subject parcel and the Wetland area to the east. This is due to the fact that there is an intervening parcel

of land in the south east corner of the proposal. This remaining island of Rural designation would constitute "spot planning" and would not constitute good comprehensive planning practice.

Recent efforts, both locally and in Tallahassee, have re-established the Estero Bay Aquatic Preserve Buffer to the State's "A Priority" acquisition list. This means that properties can be bought with no requirement for matching funds and funds for acquisition should be available.

Lastly, Staff would like to clarify the record regarding the portions of this property that are included in the Coastal High Hazard Area (CHHA) and the FIRM 100 Year Flood boundaries. The attached maps depict these two flood areas. Approximately 2.2 acres of the northwest corner of the property is located in the CHHA. The entire property is located in the 100 Year Flood boundary of the FIRM map. Staff has included spot elevations on the map of the property. Staff notes that the elevation of the slough area has not been determined but staff is confident that these elevations are lower than the adjacent uplands. These maps are intended to address the issue raised by Lee Plan Policy 75.1.4. and Policy 5.1.2. While only a small portion of the property is technically located in the Coastal High Hazard Area, the FIRM mapping indicates that the entire property is subject to flooding. Following Policy 5.1.2 prohibits residential development where physical constraints or hazards exist and requires the density and design to be adjusted accordingly, Staff still finds that these Policies are applicable in the review of this amendment request.

C. FINAL RECOMMENDATION

Staff finds that the applicant has not provided sufficient data and analysis to adequately address the DCA objections or change Staff's original position. Staff is also concerned that adoption of this amendment may very well result in a finding of non-compliance, putting the County into an Administrative Hearing process with the State. Staff recommends that the proposed amendment not be adopted. Staff still believes that the original findings outlined in Part 1, section B of this report are applicable to this proposed future land use map amendment. Following the submittal and review of the applicant's response to the ORC objections, Staff still finds the following areas of concern:

- The need for additional urban area within the County has not been justified by the applicant;
- Based on the 2020 FSUTMS model run, even with all planned improvements, U.S. 41 will operate at LOS F in the year 2020. The proposed increase in density would add 59 trips in the P.M. peak hour. This would worsen an already burdened section of a major roadway;
- No assurance or requirement that the property utilize central sewer.
- The use of individual septic systems is allowed under the current regulations.
- As transmitted, there is no ability to require clustering or preservation of indigenous vegetation.
- Adoption of this amendment will result in Spot Planning.
- Traffic LOS of F in 2020 will only be worsened by this amendment.

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20011253

4055-14

McCall

1. REQUESTED MOTION: Adoption of the recommended access management plan for Gunnery Road from SR 82 to Lee Blvd.

WHY ACTION IS NECESSARY: In accordance with Policy 1.8.2 of the Comprehensive Plan, a corridor access management plan must be adopted for Gunnery Road from SR 82 to Lee Blvd. in order for parcels in the reclaimed strip overlay to qualify for commercial development.

WHAT ACTION ACCOMPLISHES: Allows those parcels in the reclaimed strip overlay to qualify for commercial development and sets all access and median openings along this section of Gunnery which will dictate any additional lands needed for proposed road connections.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 09

3. MEETING DATE:

November 20, 2001

CGB

4. AGENDA

☒ CONSENT
☐ ADMINISTRATIVE
☐ APPEALS
☐ PUBLIC
TIME REQUIRED: 15 Minutes

5. REQUIREMENT/PURPOSE

(Specify)
☐ STATUTE
☐ ORDINANCE
☐ ADMIN. CODE
☐ OTHER

6. REQUESTOR OF INFORMATION

A. COMMISSIONER: -
B. DEPARTMENT: Transportation
C. DIVISION: Administration
BY: Scott Gilbertson, Director

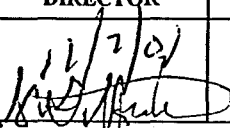
7. BACKGROUND:

Policy 1.8.2 of the Comprehensive Plan allows commercial uses on all lots in the Reclaimed Strip overlay once a corridor access management plan has been adopted by Lee County. As part of a Preliminary Design Report, Pitman, Hartstein & Associates prepared a recommended access management plan for this section of Gunnery Road. This plan identifies full median openings, directional median openings, road closures, new connections and traffic signal locations for the streets intersecting Gunnery Road. Under Policy 1.8.2, there will be no new driveway connections to Gunnery Road from these commercial lots. All lots will be required to use Gretchen Avenue as a reverse frontage road.

This recommended access plan has been reviewed by Lee County DOT staff and Bill Spikowski, the author of the Lehigh Acres Commercial Land Use Study, with both parties in agreement on the proposed access management plan.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

DEPARTMENT DIRECTOR	Purchasing	Human Resources	County Administration				OTHER	COUNTY ATTORNEY	COUNTY MANAGER
<i>11/2/01</i> 			OA	OM	Risk	GC			

10. COMMISSION ACTION:

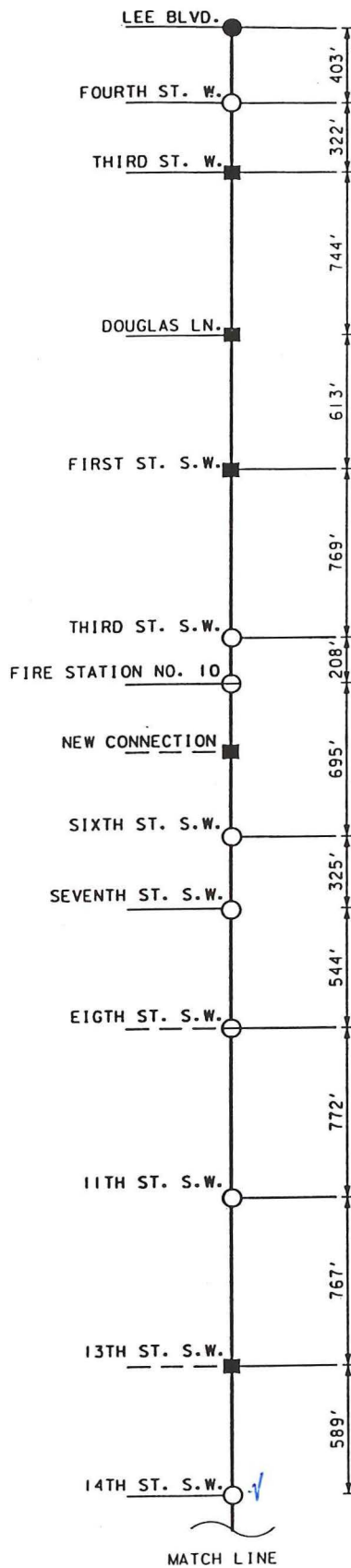
☒ APPROVED
☐ DENIED
☐ DEFERRED
☐ OTHER

**PROJECT MANAGER
FISCAL
PROJECT FILE**



TABLE 3-10
RECOMMENDED ACCESS MANAGEMENT PLAN

Intersection	Median Type / Access Management Comments
Lee Boulevard	Traffic Signal
Fourth Street W.	Right in / Right out
Third Street W.	Directional median - Northbound left turns
Douglas Lane	Directional median - Northbound left turns
First Street S.W.	Directional median - Southbound left turns
Third Street S.W.	Right in / Right out
Fire Station No. 10	Full median opening - fire department use only
New Connection	Directional median - Northbound left turns (location to be determined)
Sixth Street S.W.	Right in / Right out
Seventh Street S.W.	Right in / Right out
Eighth Street S.W.	Full median opening. Proposed connection between Gerald Ave. and Gunnery Rd.
11 th Street S.W.	Right in / Right out
13 th Street S.W.	Directional median - Northbound and Southbound left turns - Proposed connection to Gerald Ave.
14 th Street S.W.	Right in / Right out
15 th Street S.W.	Directional median - Northbound left turns
16 th Street S.W.	Right in / Right out
18 th Street S.W.	Directional median - Southbound left turns
New Connection	Directional median - Northbound left turns (location to be determined)
21 st Street S.W.	Right in / Right out
Leonard Blvd. / 23 St. S.W.	Traffic signal
25 th Street S.W.	25 th Street closed for Daniels Parkway Extension
26 th Street S.W.	Directional median - Northbound left turns
27 th Street S.W.	Reconnect 27 th Street between Gunnery Rd. and Floyd Ave. - Right in / Right out
30 th Street S.W.	30 th Street closed for Daniels Parkway Extension
Meadow Road	Right in / Right out
S.R. 82	Traffic Signal



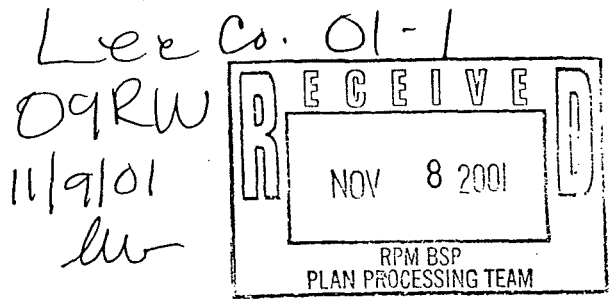
- ⊖ FULL MEDIAN OPENING
- NO MEDIAN OPENING
- TRAFFIC SIGNAL
- DIRECTIONAL MEDIAN OPENING

- ##### ROAD CLOSURE
- NEW CONNECTION

RECOMMENDED ACCESS MANAGEMENT PLAN

FIGURE 3-1

Bernard Piawah, Planning Manager
Department of Community Affairs
Division of Research, Planning, and Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399



Re: Lee County Comprehensive Plan Amendment PAM 98-06

Dear Mr. Piawah,

We would like to begin by thanking you for setting aside time to meet with us last Friday, November 2, regarding the Estero 60 parcel. It remains our belief that the proposed change in future land use designation is not consistent with the sensitive nature of this parcel. Per your request at our meeting, we are sending you this letter to outline our argument and supply you with documents that reinforce our position.

There are several documents and policies that demonstrate the need to maintain the future land use designation for the Estero 60 parcel at Rural.

Lee County Comprehensive Plan (Attachment 1)

The proposed amendment is inconsistent with several policies in the Lee County Comprehensive Plan, or Lee Plan. These policies concern the protection of surface water, natural systems, critical areas, natural wetland and upland habitat, endangered and threatened species, and the avoidance of septic tank use.

Outstanding Florida Waters Designation: Estero Bay and its tributaries (Attachment 2)

The amendment would also be inconsistent with the protection to the Estero River and Estero Bay granted through their designation as Outstanding Florida Waters (OFW's). The section of the Florida Administrative Code concerning OFW's is included as Attachment 2.

Estero Bay Buffer Preserve Land Management Plan (Attachment 3)

Another concern we have is the effect that doubling the density of the Estero 60 parcel will have on the adjacent Estero Bay Buffer Preserve (EBBP). We have included sections of the EBBP Land Management Plan that indicate the need to preserve surrounding lands to ensure protection of the EBBP. The Estero 60 parcel is included within the Estero Bay Florida Forever project boundary, therefore if the site were to purchase the land for conservation it would become part of the EBBP and thereby be managed through the EBBP Land Management Plan.

Baseline Wildlife Inventory of the Estero Bay Aquatic Preserve and the EBBP (Attachment 4)

To further demonstrate the sensitivity of the Estero 60 parcel we have including sections of a Baseline Wildlife Inventory of the Estero Bay Aquatic Preserve and the EBBP. While the Estero 60 parcel is not included in these documents, they are relevant due to the proximity of the Estero 60 parcel to these protected areas and the lack of manmade infrastructure between them. This document describes the diverse wildlife found within the region, included many federal and state listed species.

Plant and Habitat Inventory of the Estero River Scrub parcel (Attachment 5)

Similar to the prior document this inventory does not include the Estero 60 parcel but is relevant due to the Estero River Scrub's proximity to the Estero 60 parcel. The inventory describes the diverse range of habitats that can be found in the region. These habitats are not only important on their own, they also support a multitude of wildlife species.

To reiterate our position that was discussed at our meeting, we believe the sensitive nature of this parcel creates the need to reject this amendment. The significance of the region was demonstrated when the State of Florida took the unusual step of approving purchase of the neighboring Estero River Scrub Parcel (formerly the Sahdev property) through eminent domain due to its ecological importance. The doubling of density in the Estero 60 parcel could cause harm to the region's wildlife and hydrology while increasing pollutants that reach Estero Bay and the conservation lands that surround the parcel. We hope you follow the recommendation of the Lee County planning staff and not approve Lee County Comprehensive Plan Amendment PAM 98-06. If you have any questions please contact any of the signature organizations. You have our contact information from our meeting on November 2.

Sincerely,

Calusa Group of the Sierra Club
Conservancy of Southwest Florida
Environmental Confederation of Southwest Florida (ECOSWF)
Florida Conservation Project
Responsible Growth Management Coalition

cc: Roger Wilburn, Community Program Administrator (with all attachments)
Lee County Board of County Commissioners

Attachments: Relevant policies from Lee Plan
Florida Administrative Code 62-302 and 62-4
Estero Bay Buffer Preserve Land Management Plan (pgs. 4,6, 17-18, 40-41)
Baseline Wildlife Inventory of the Estero Bay Aquatic Preserve and the EBBP (pgs. 2-3, 34-39)
Plant and Habitat Inventory of the Estero River Scrub Parcel (pg. 4)

Lee County Comprehensive Plan

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)

POLICY 39.1.5: The county shall, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30)

POLICY 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.

OBJECTIVE 41.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM.

Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

OBJECTIVE 74.1: ENVIRONMENTALLY CRITICAL AREAS. Within the coastal planning area, the county shall manage and regulate, on an ongoing basis, environmentally critical areas to conserve and enhance their natural functions. Environmentally critical areas include wetlands (as defined in Goal 84) and Rare and Unique upland habitats. Rare and Unique upland habitats include, but are not limited to: sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (FDOT, 1985). (See also Policy 83.1.4.) The digitization of the 1989 baseline coastal vegetation mapping (including wetlands and rare and unique uplands, as defined above) shall be completed by 1996. (Amended by Ordinance No. 94-30)

POLICY 74.1.1: Development shall be limited in Rare and Unique upland habitats and strictly controlled in wetlands in the coastal planning area. (See Policy 77.1.1(2) and Goal 84.) (Amended by Ordinance No. 94-30)

POLICY 74.1.3: The county shall study the costs and benefits of extending the Estero Bay Aquatic Preserve to include major inland tributaries (Hendry, Mullock, and Spring Creeks, and the Estero and Imperial Rivers) by 2005. (Amended by Ordinance No. 94-30, Relocated & Amended by Ordinance No. 98-09)

GOAL 77: RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity,

water quality, and natural surface water characteristics.

OBJECTIVE 77.1: RESOURCE MANAGEMENT PLAN. The county shall continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape. (Amended by Ordinance No. 94-30)

OBJECTIVE 77.4: ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

POLICY 83.1.5: Lee County shall protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

POLICY 100.9.7: The county shall coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas.

62-302.700 Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters.

(1) It shall be the Department policy to afford the highest protection to Outstanding Florida Waters and Outstanding National Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding National Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.

(2) A complete listing of Outstanding Florida Waters and Outstanding National Resources Waters is provided in subsections (9) and (10). Outstanding Florida Waters generally include the following surface waters (unless named as Outstanding National Resource Waters):

(a) waters in National Parks, Preserves, Memorials, Wildlife Refuges and Wilderness Areas;

(b) waters in the State Park System and Wilderness Areas;

(c) waters within areas acquired through donation, trade, or purchase under the Environmentally Endangered Lands Bond Program, Conservation and Recreation Lands Program, Land Acquisition Trust Fund Program, and Save Our Coast Program;

(d) rivers designated under the Florida Scenic and Wild Rivers Program, federal Wild and Scenic Rivers Act of 1968 as amended, and Myakka River Wild and Scenic Designation and preservation Act;

(e) waters within National Seashores, National Marine Sanctuaries, National Estuarine Research Reserves, and certain National Monuments;

(f) waters in Aquatic Preserves created under the provisions of Chapter 258, Florida Statutes;

(g) waters within the Big Cypress National Preserve;

(h) Special Waters as listed in Rule 62-302.700(9)(i); and

(i) Certain Waters within the Boundaries of the National Forests.

(3) Each water body demonstrated to be of exceptional recreational or ecological significance may be designated as a Special Water.

(4) The following procedure shall be used in designating an Outstanding National Resource Water as well as any Special Water:

(a) Rulemaking procedures pursuant to Chapter 120, F.S., and Chapter 62-1, F.A.C., shall be followed;

(b) At least one fact-finding workshop shall be held in the affected area;

(c) All local county or municipal governments and state legislators whose districts or jurisdictions include all or part of the water shall be notified at least 60 days prior to the workshop in writing by the Secretary;

(d) A prominent public notice shall be placed in a newspaper of general circulation in the area of the proposed water at least 60 days prior to the workshop; and

(e) An economic impact analysis, consistent with Chapter 120, shall be prepared which provides a general analysis of the impact on growth and development including such factors as impacts on planned or potential industrial, agricultural, or other development or expansion.

(5) The Commission may designate a water of the State as a Special Water after making a finding that the waters are of exceptional recreational or ecological significance and a finding that the environmental, social, and economic benefits of the designation outweigh the environmental, social, and economic costs.

(6) The Commission may designate a water as an Outstanding National Resource Water after making all of the following findings:

(a) That the waters are of such exceptional recreational or ecological significance that water quality should and can be maintained and protected under all circumstances other than temporary degradation and the lowering allowed by Section 316 of the Federal Clean Water Act; and,

(b) That the level of protection afforded by the designation as Outstanding National Resource Waters is clearly necessary to preserve the exceptional ecological or recreational significance of the waters; and

(c) That the environmental, social, and economic benefits of the designation outweigh the environmental, social, and economic costs.

(7) The policy of this section shall be implemented through the permitting process pursuant to Section 62-4.242, F.A.C.

(8) For each Outstanding Florida Water listed under Rule 62-302.700(9), the last day of the baseline year for defining the existing ambient water quality (Rule 62-4.242 (2)(c)) is March 1, 1979, unless otherwise indicated. Where applicable, Outstanding Florida Water boundary expansions are indicated by date(s) following "as mod." under Rule 62-302.700(9). For each Outstanding Florida Water boundary which expanded subsequent to the original date of designation, the baseline year for the entire Outstanding Florida Water, including the expansion, remains March 1, 1979, unless otherwise indicated.

(9) Outstanding Florida Waters:

(a) Waters within National Parks and National Memorials

<u>National Park or National Memorial</u>	<u>County</u>
1. Biscayne National Park (as mod. 5-14-86; 8-8-94)	Dade
2. Dry Tortugas National Park (10-4-90)	Monroe
3. Everglades National Park (as mod. 8-8-94)	Monroe/Dade/ Collier

Effective 12-26-96

(4) An operation permit may be renewed upon application to the Department. No renewal permit shall be issued if the Department finds that the proposed discharge will reduce the quality of the receiving waters below the classification established for them. Specific Authority: 403.061, 403.088, FS. Law Implemented: 403.021, 403.031, 403.061, 403.087, 403.088, 403.101, FS. History: New 5-17-72, Amended 8-31-88. 10-4-89. Previously numbered as 17-4.23, Formerly 17-4.240.

62-4.242 Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement.

(1) Antidegradation Permitting Requirements.

(a) Permits shall be issued when consistent with the antidegradation policy set forth in Rule 62-302.300, and if applicable, Rule 62-302.700.

(b) In determining whether a proposed discharge which results in water quality degradation is necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the department shall consider and balance the following factors:

1. Whether the proposed project is important to and is beneficial to the public health, safety, or welfare (taking into account the policies set forth in Rules 62-302.100, 62-302.300, and if applicable, 62-302.700); and

2. Whether the proposed discharge will adversely affect conservation of fish and wildlife, including endangered or threatened species, or their habitats; and

3. Whether the proposed discharge will adversely affect the fishing or water-based recreational values or marine productivity in the vicinity of the proposed discharge; and

4. Whether the proposed discharge is consistent with any applicable Surface Water Improvement and Management Plan that has been adopted by a Water Management District and approved by the Department.

(c) In addition to subsection (b) above, in order for a proposed discharge (other than stormwater discharges meeting the requirements of Chapter 62-25, F.A.C.), to be necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the permit applicant must demonstrate that neither of the following is economically and technologically reasonable:

1. Reuse of domestic reclaimed water.

2. Use of other discharge locations, the use of land application, or reuse that would minimize or eliminate the need to lower water quality.

(2) Standards Applying to Outstanding Florida Waters

(a) No Department permit or water quality certification shall be issued for any proposed activity or discharge within an Outstanding Florida Waters, or which significantly degrades, either alone or in combination with other stationary installations, any Outstanding Florida Waters, unless the applicant affirmatively demonstrates that:

1. With respect to blowdown from a recirculated cooling water system of a steam electrical generating plant, that the discharge:

a. Meets the applicable limitations of Rule 62-302.520(4), F.A.C., at the point of discharge; or,

b. Has a mixing zone established pursuant to Rule 62-302.520(5)(b), F.A.C., which assures the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the Outstanding Florida Water, and which is established taking into account the recreational or ecological significance of such water; and,

c. Meets the temperature limits of Rule 62-302.520(4), F.A.C., at the boundary of the mixing zone established pursuant to Rule 62-302.520(6)(b), F.A.C.; or,

2. The proposed activity or discharge is clearly in the public interest; and either

a. A Department permit for the activity has been issued or an application for such permit was complete on the effective date of the Outstanding Florida Water designation; or,

b. The existing ambient water quality within Outstanding Florida Waters will not be lowered as a result of the proposed activity or discharge, except on a temporary basis during construction for a period not to exceed thirty days; lowered water quality would occur only within a restricted mixing zone approved by the Department; and, water quality criteria would not be violated outside the restricted mixing zone. The Department may allow an extension of the thirty-day time limit on construction-caused degradation for a period demonstrated by the applicant to be unavoidable and where suitable management practices and technology approved by the Department are employed to minimize any degradation of water quality.

(b) The Department recognizes that it may be necessary to permit limited activities or discharges in Outstanding Florida Waters to allow for or enhance public use or to maintain facilities that existed prior to the effective date of the Outstanding Florida Water designation or facilities permitted after adoption of the Outstanding Florida Water designation. However, such activities or discharges will only be permitted if:

1. The discharge or activity is in compliance with the provisions specified in subparagraph (2)(a)2. of this Section; or,

2. Management practices and suitable technology approved by the Department are implemented for all stationary installations including those created for drainage, flood control, or by dredging or filling; and,

3. There is no alternative to the proposed activity, including the alternative of not undertaking any change, except at an unreasonably higher cost.

(c) For the purpose of this section the term "existing ambient water quality" shall mean (based on the best scientific information available) the better water quality of either (1) that which could reasonably be expected to have existed for the baseline year of an Outstanding Florida Water designation, or (2) that which existed during the year prior to the date of a permit application. It shall include daily, seasonal, and other cyclic fluctuations, taking into consideration the effects of allowable discharges for which Department permits

were issued or applications for such permits were filed and complete on the effective date of designation.

(d) Rule 62-4.242(2) shall not apply to any dredge or fill activity or any discharge to an Outstanding Florida Water permitted by the Department on, or for which a complete permit application was filed on, the effective date of an Outstanding Florida Water designation; nor shall it apply to any renewal of a Department permit where there is no modification in the dredge or fill activity or discharge which would necessitate a permit review.

(e) Any activity that is exempted from permit programs administered by the Department, is not subject to the requirements of Rule 62-4.242.

(f) For the Apalachicola River north of Gulf County, this section shall not apply in the federally-authorized nine-foot navigation project, as follows:

1. Maintenance dredging and disposal and snag removal by the Army Corps of Engineers as presently performed pursuant to existing permits and its continuation under renewals thereof; or

2. Class A and B emergencies as defined in Rule 62-312.150(5), F.A.C.; or

3. Exemptions to permitting specified in Section 403.813, F.S. and Department rules; or

4. Any other permissible project of the Army Corps of Engineers deemed necessary by the Department pursuant to the considerations referenced in Rule 62-302.100(10)(c), F.A.C.

(3)
(a)

Standards Applying to Outstanding National Resource Waters:

All discharges or activities that may cause degradation of water quality in Outstanding National Resource Waters are prohibited, other than:

1. Discharges or activities that are exempted by statute from Department permitting or regulation;

2. Those discharges or activities described in Rules 62-4.242(2)(a)1.b., 62-4.242(2)(a)1.c., and 62-4.242(2)(a)2.b., F.A.C.

- (b) Discharges or activities that would have the result of clearly enhancing the water quality of Outstanding National Resource Waters are not prohibited.

- (c) In addition, the following restrictions apply in Outstanding National Resource Waters. Each is listed below, followed by a reference to DEP rules or Florida Statutes:

1. Water quality reclassification to a class with less stringent criteria is not allowed (Rule 62-302.400, F.A.C.).

2. New or expanded mixing zones can not be issued other than those for thermal discharges as allowed in Rule 62-4.242(1)(a)1.

3. Temporary Operation Permits can not be renewed (Rule 62-4.250, F.A.C.)

4. General Permits can not be used.

5. Exemptions from water quality criteria can not be issued (62-4.243; 62-6.020(5), (6), and (7); 62-25.030(3); and 62-28.130, F.A.C.).

6. Variances shall not be issued (Sections 403.201 and 403.938, F.S.)

7. Any special restrictions for water quality protection in Outstanding Florida Waters, whether in Department rules or Florida Statutes, also apply in Outstanding National Resource Waters.

(d) This subsection shall not apply to any existing activity permitted, exempted, or for which a completed application for permit was filed, on or before the effective date of the Outstanding National Resource Water designation; nor shall it apply to any renewal of a Department permit where there is no modification of the activity which would necessitate a permit review.

(e) Subparagraph 62-4.242(3)(d) shall not apply to any activity which contributes to the degradation of water quality in an Outstanding National Resource Water beyond those levels established for the baseline year.

(4) Equitable Abatement.

(a) It shall be Department policy to further protect and enhance the quality of those surface waters whose quality has been artificially lowered below the quality necessary to support their designated uses. For such waters, no new activity or discharge shall be issued a Department license to construct unless the applicant affirmatively demonstrates that:

1. Water quality standards once achieved would not be violated as a result of the proposed activity or discharge;

2. The proposed activity or discharge is necessary or desirable under federal standards; and

3. The proposed activity or discharge is clearly in the public interest.

(b) To allocate equitably the relative levels of responsibility for abatement among persons directly discharging significant amounts of pollutants into waters which fail to meet one or more of the water quality criteria applicable to those waters, it is necessary to determine the amounts of those pollutants contributed by each of those persons and to consider all factors relevant to the equitable allocation of that responsibility. The following provisions of this section prescribe the means by which the Department, upon the petition of a license applicant, will equitably allocate among such persons the relative levels of abatement responsibility of each for abatement of those pollutants and by which it will establish for each of those persons, if necessary, an abatement program and schedule to accomplish any abatement determined necessary under the provisions of this Section.

(c)1. For a surface water body, or portion thereof, which is determined by the Department to fail to meet one or more of the water quality criteria applicable to that water body, an applicant for a license to construct or operate a stationary installation to discharge wastes which contributes, or will contribute, to that failure may petition the Department in writing for an equitable allocation of the relative levels of responsibility for abatement among the stationary installations which discharge significant amounts of one or more of the pollutants which contribute to the failure of those waters to meet the water quality criterion (a) specified in the petition.

LAND MANAGEMENT PLAN

FOR THE

ESTERO BAY STATE BUFFER PRESERVE

LEE COUNTY, FLORIDA

PREPARED BY

**BUREAU OF COASTAL AND AQUATIC MANAGED
AREAS**

DIVISION OF MARINE RESOURCES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FOR THE PERIOD

MAY 1997

Through

MAY 2002

amended to reflect these additions. Until such time, newly acquired parcels will be managed under the same guidelines as the existing Buffer lands and this Plan. See Figure 3 for a map of the CARL project boundary.

D. DEGREE OF TITLE INTEREST HELD BY THE BOARD, INCLUDING RESERVATIONS AND EASEMENTS

The BOT holds fee simple title to 5,706 acres of CARL and deeded State lands within the Buffer. An additional 640 acres within the Buffer are leased by the BOT from TNC and subleased to the DMR for management. See Exhibit D for a copy of lease agreement No.4083. This lease provides authority for the DMR to manage the Buffer. The exceptions and easements in specific deeds within lease No.4083 are also found in Exhibit D.

E. LAND ACQUISITION PROGRAM UNDER WHICH PROPERTY WAS ACQUIRED

Of the 6,346 acres in the Buffer, 5,386 were acquired under the CARL Program in 1987 and 1988. No acquisition has taken place since that time. But, the increased ranking of the Estero Bay Aquatic Preserve Buffer CARL Project in December, 1996 will afford a continuation of acquisition starting in July, 1997 with funds available from the CARL Program under Preservation 2000.

The purpose for state acquisition of lands within this CARL Project is for the protection of Estero Bay's water quality, it's native plants and animals, and it's archeological sites, and to provide recreational opportunities to the people of the rapidly growing Fort Myers area. The management goals and projected uses of these lands are: to provide a protective buffer to the adjacent Aquatic Preserve and other waters of the State; to conserve and protect environmentally important, natural communities; to protect and preserve native species and their habitats, particularly listed species; to maintain the land in as natural a state as possible through practices such as prescribed burning, exotic plant and animal eradication, and hydrological restoration; to protect archeological and historical

resources; and to provide resource-based recreation such as canoeing, hiking, bird watching and nature appreciation. Statutory authority for this single use type of management falls under Chapters 253, 259, 267 and 872 Florida Statutes. See Section G of this Plan in regard to the "single use" designation.

F. PUBLIC USES CONSISTENT WITH PURPOSE FOR ACQUISITION

Public access to State Buffer Preserve lands is an important factor when considering management strategies for these areas. It has been determined that resource-based recreation such as canoeing, hiking, bird watching and nature appreciation are public uses which will be accommodated. The DMR will provide appropriate public access and facilities for outdoor recreation while protecting critical resources.

As development increases on lands surrounding the Buffer there will be diminishing opportunities for the public to participate in outdoor recreation activities that require extensive tracts of open, "unimproved" lands. Just as the submerged lands / open water character of the Aquatic Preserve are attractive to fishing and water sports enthusiasts, the Buffer's relatively dry upland habitats, such as pine flatwoods and high marshes, are also sought after for a wide variety of outdoor activities. The abbreviated hydroperiod, soil stability, canopy, overstory and variety of spatial densities (from open clearing to heavy forest) make for many diverse recreation settings. It is anticipated that most of the Buffer recreation activities will be centered in the uplands and the DMR will, therefore, plan access and facilities here initially. Fishing, horseback riding, hiking, bike riding, camping, bird study and nature appreciation are a few of the varieties of outdoor recreation opportunities that require these settings.

The public will have access to these opportunities when feasible to do so without degrading the use areas or access points. The outer perimeter of the Buffer, as currently configured, has only one point where the public road system meets the boundary. The southern end of Winkler Road ends in a cul-de-sac at the northern boundary, an area of pine flatwoods that has been heavily invaded by *Melaleuca* and to a lesser extent Australian Pine (*Casuarina sp.*).

The region has been historically known as an abundant recreational fishing ground, a prominent regional wading and shorebird breeding / wintering area and home to a sizable population of manatees and bottlenosed dolphins. The Ostego Bay Foundation has cataloged dolphin individuals and currently estimates a resident population of about three dozen in the estuary. DEP's Florida Marine Research Institute includes the region in its manatee survey and shorebirds are counted at intervals by the FGFWFC.

The present Buffer contains 6,346 acres of mixed upland and wetland habitats along the headland rim of the Estero Bay estuary. About 30-40% of Buffer lands are suitable for and used by upland mammal species such as white-tailed deer, Florida black bear, Big Cypress fox squirrel, feral hogs and several rabbit species. These lands are lumped into a vegetation cover class called Wet Flatwoods and Tidal Marsh by FNAI. Similar habitat in the region has been documented to support a wide diversity of reptiles and amphibians and provides nesting, roosting and transient stopover habitat for more than 100 species of resident and migrant birds. The Unconsolidated Substrates (another FNAI cover class) are the mud flats and salt pans of the Buffer. These areas share bird use with the wading and shorebird roosting / feeding flats located on the Gulf side of Estero Island, an avian aggregation of regional and Eastern flyway importance. Sixteen of these bird species are listed as Threatened or Endangered. See Section J 5 for a more detailed discussion of listed species.

5. STATE & FEDERALLY LISTED SPECIES AND THEIR BUFFER HABITATS

At least seventy-two species (32 plant, 40 animal) considered Endangered, Threatened or otherwise legally listed spend all or part of their lives in habitats found in the Buffer. See Exhibits I and J for a roster of these species with notes on their Buffer habitat use. The action plans formulated to maintain Buffer habitats will be designed to optimize conditions that maintain a wide diversity of species including these listed species. This objective promotes the goal of ecosystem stability, thus increasing the long-term benefits to the citizens of Florida.

Several listed species, and some that are not listed, have habitat needs that allow them to serve as generalized indicators of conditions in a habitat. When the needs of these indicator species are met, the habitat also provides benefits to a much wider set of flora and fauna with the same or similar habitat needs. Other key traits of a good indicator species are being conspicuous and relatively abundant.

Periodic surveys to document presence and conditional status of several listed and well documented indicator species will be used to help gauge habitat viability. The use of this indicator species approach to habitat analysis, combined with other site environmental data and management goals allows the efficient and more objective formulation of "ecosystem management" work plans. The objective of this approach is not to develop single-species-management projects, but to "pull back" for a wider vision of long-term stability or change in the whole ecosystem.

The exotic-infested pine forests around the Winkler Road access point stand to gain much by this approach. The maintenance of the Wet Flatwoods by prescribed herbicide and fire to control the spread of invasive plants would directly benefit about thirty-five percent of the listed species in Exhibit I with either improved food resources, cover or breeding opportunities.

6. BEACHES & DUNES

The Buffer soils underlying the Cow Slough and Hendry Creek complexes are considered relic Pleistocene dune ridges and swales. Similar structure underlies other parts of the region. Located as it is along the headland rim of Estero Bay, no active beach/dune systems are present within the Buffer boundary.

7. SWAMPS, MARSHES & AND OTHER WETLANDS

Almost all plant communities on the Buffer are considered jurisdictional wetlands such as marshes and mangrove forests.

S. MANAGEMENT NEEDS & PROBLEMS

- Complete boundary security including surveying, fencing and posting.
- Complete land acquisition, especially of high priority parcels within the CARL Project boundary.
- Conduct and complete resource inventories.
- Formulate invasive, exotic plant control plan.
- Formulate nuisance, exotic animal eradication plan.
- Develop a prescribed fire management plan.
- Investigate impacts from various public uses, and
- Develop guidelines for appropriate uses and additional public access.
- Investigate hydrological restoration capabilities and implementation.
- Increase public awareness through the formulation of a citizen support organization, Buffer brochure and multi-purpose interpretive display.
- Increase research and monitoring opportunities to include both natural and cultural resources.
- Pursue increased permanent staffing beyond the one Career Service (C.S.) and two Other Personnel Services (OPS) employees.
- Pursue increased funding for C.S. Staff, O.P.S. Staff, equipment and management needs.
- Increase enforcement capabilities in order to combat illegal hunting, dumping, vandalism and vehicular access.
- Locate a permanent office on suitable (unacquired as of this date) land within the Buffer.

T. CONFLICTING ADJACENT LAND USES

Continued, extensive development of large scale residential communities with their associated impacts including infrastructure and non-point source pollution continues to threaten the Buffer and the EBAP. Tracts being developed specifically within the CARL Project boundary eliminates the possibility of acquisition and therefore the benefits the Buffer, the EBAP and the public would accrue through acquisition and management.

A waste water treatment facility located just north of the northwest corner of the Buffer has had violations in the past and poses to be a potential threat to the planned uses of the Buffer.

U. LEGISLATIVE OR EXECUTIVE CONSTRAINTS ON USE OF THE PROPERTY

There are no specific constraints placed on the use of the Buffer by legislation or executive directives.

Limitations on activities are outlined in Chapter 18-23 F.A.C. State Buffer Preserves (Exhibit K).

V. CONFORMATION TO STATE LANDS MANAGEMENT PLAN

The planned uses of the Buffer comply with the Conceptual State Lands Management Plan. Because the single-use management concept in lease No. 4083 requires the Buffer to be managed only as a State Buffer Preserve, but allows for appropriate public use of the property, a balance is obtained.

Specific authority for the DMR's management of public land is derived from Sec. 253.03 (2) F.S. (Exhibit L).

W. SURPLUS LANDS

All of the land within the Buffer is viable and necessary in order to carryout the purpose of acquisition. In fact, in order to more effectively accomplish the purpose of acquisition, additional lands within the CARL Project boundary need to be acquired. This is addressed in the following section. No land within the Buffer is considered or will be declared as surplus.

BASELINE WILDLIFE INVENTORY

Submitted Pursuant to P.O. Numbers S 3700 304469 & S 3700 304473

Estero Bay Aquatic & State Buffer Preserve

LEE COUNTY, FLORIDA

JUNE 25, 2001

Submitted to:

Ms. Heather Stafford, Manager
Estero Bay Aquatic & State Buffer Preserve
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Submitted by:

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VERTEBRATE WILDLIFE OF THE ESTERO BAY AQUATIC AND STATE BUFFER PRESERVE

Introduction

In June of 2001, David S. Maehr conducted a wildlife survey on the "Estero River Scrub" (ERS) and "The Nature Conservancy" (TNC) parcels in the Estero Bay Aquatic and State Buffer Preserve. Details of vegetation and geographic information can be found in the accompanying report for vegetation coordinated by Ilene Barnett (Florida Department of Environmental Protection P.O. Number S 3700 304482 dated May 17, 2001).

Wildlife Survey Methodology

We used plant sampling transects, rivers, creeks, and existing roads and trails within the preserve to survey for terrestrial vertebrates. Due to the limitations in time, the potential for disturbing resident species, and the cessation of most breeding activities of resident wildlife, quadrat sampling was not used. Rather, walking and canoe surveys through representative habitats were used because they enabled the coverage of larger proportions of both areas (Appendix Figures 1 and 2). Species abundance and habitat type were recorded for each observation. Birds were identified by sight and sound. Reptiles and amphibians were recorded by sight. Mammals were identified by sight, tracks, or other sign (scat, burrow, etc.) (Murie 1998). Active burrows of gopher tortoises, raptor nests, and sign of bobcat encountered during surveys were recorded as Universal Transverse Mercator locations. Survey results for each area, and relative abundance figures for birds appear in the appendix.

Potential Species Lists

Species that were identified and that are expected to reside permanently or seasonally were listed in tables and keyed according to general habitat associations and, for birds, their residence status (breeding, resident, winter, migration, occasional). Amphibians, reptiles, and mammals were considered residents of the study area. Potential occurrences were verified using published reference materials: amphibians and reptiles (Ashton and Ashton 1985, 1988a, 1988b, Moler 1992); birds (Sprunt 1954, Kale and Maehr 1990, Robertson and Woolfenden 1992, Rodgers et al. 1996, Sibley 2000); mammals (Murie 1954, Burt and Grossenheider 1976, Stevenson 1976, Humphrey 1992, Whitaker and Hamilton 1998).

Results

Survey routes covered 11.86 miles through terrestrial habitats and mangrove forests, and 4.6 km through tidal creeks (Hendry Creek and Estero River). The broad habitat types mangroves, saltmarsh, open water and beach, melaleuca/exotic forest, and pine forest, covered 586.5 (34.5%), 502.6 (45.9%), 118.3 (10.6%), 64.7 (5.8%), and 44.0 (3.9%) acres, respectively in the TNC parcel. All other habitat types in this area totaled less than 1% of the area. Transects totaled 14,650 feet in mangroves, 4,850 feet in saltmarsh, 12,750 feet in open water (this transect covered mangrove habitat as well), 1,500 feet in melaleuca/exotic forest, 1,250 feet in pine forest, and 4,000 feet in grassy edge (primarily powerline easement). The broad habitat types mangroves, saltmarsh, open water and beach, melaleuca/exotic forest, and pine forest, covered 492.05 (38.1%), 64.3 (4.9%), 77.7 (6.0%), 204.6 (15.8%), and 426.7 (3.9%) acres, respectively in the Estero River

Scrub parcel. All other habitat types in this area totaled less than 1% of the area. Transects totaled 11,200 feet in mangroves, 1,100 feet in saltmarsh, 11,500 feet in open water (this transect covered mangrove habitat as well), 2,900 feet in melaleuca/exotic forest, 16,150 feet in pine forest, and 5,000 feet in grassy edge (primarily powerline easement). Although walking transects under-represented mangrove and salt marsh habitats due to their relative inaccessibility, canoe surveys passed primarily through mangrove forest.

A total of 300 vertebrate species may include the Estero Bay Aquatic and State Buffer Preserves as part of their ranges. Surveys revealed direct observation or evidence of 55 of these species: 2 amphibian species (Table 1), 3 reptile species (Tables 2 and 3), 43 bird species (Table 4), and 7 mammal species (Table 5). These are a subset of potential species that may inhabit the Estero Bay Aquatic and State Buffer Preserves including 11 amphibians, 32 reptiles, 227 birds, and 30 mammals (including 5 bat species). Racoon (*Procyon lotor*) tracks and other sign were found throughout both properties, and bobcat scat and tracks were found in nearly all habitat types (at least one scat contained the remains of a rabbit (*Sylvilagus* spp.)). The preserve appears to be too small to support resident black bears (*Ursus americanus floridanus*; Maehr 1997), and no sign revealed the presence of white-tailed deer (*Odocoileus virginianus*). Similarly, no sign of Big Cypress fox squirrel (*Sciurus niger avicennia*) was encountered. The preserve is clearly too small and isolated from inhabited range to be used by the Florida panther (*Puma concolor coryi*; Maehr 1997).

I found more bird species in mangrove forests (39 species) than in any other habitat type (Appendix Table G). Pine forest surveys produced 16 species. Surveys through the other habitats produced only 4 bird species.

Listed Species

Fifty of the potential species have been given special status by the state of Florida and the U.S. Fish and Wildlife Service (Tables 1 – 5). Among birds, 3 are considered endangered, 7 as threatened, 18 as species of special concern, 7 as rare, and 4 as status undetermined. Mammals included 1 as endangered, 2 as threatened, 1 as rare, and 3 as status undetermined. Among reptiles, 1 was listed as endangered and 2 were listed as threatened. None of the amphibian species were listed.

Discussion

The wildlife species encountered during the surveys were representative of south Florida estuarine and associated biotic communities. Its small size, isolation from adjacent forest ecosystems, and its proximity to urban and residential areas has likely reduced the species richness of native species (especially large terrestrial mammals), and increased the number of exotic species that inhabit the preserve. Although we did not encounter two mangrove forest specialists, mangrove cuckoo and black-whiskered vireo, the habitat appears suitable for them. Surveys were likely conducted late enough in the year (past pair-formation and incubation) and conditions were sufficiently warm that neither species was still vocalizing. Many bird species begin nesting in late winter and early spring in south Florida, and thus, tend to be less observable from late spring through summer.

Table J. Potential vertebrate species at ERASBP.

Common name	Scientific name
Amphibians	
Oak toad	<i>Bufo quercicus</i>
Southern toad	<i>Bufo terrestris</i>
Florida cricket frog	<i>Acris gryllus dorsalis</i>
Green treefrog	<i>Hyla cinerea</i>
Pinewoods treefrog	<i>Hyla femoralis</i>
Squirrel treefrog	<i>Hyla squirella</i>
Little grass frog	<i>Limnaoedus ocularis</i>
Eastern narrowmouth toad	<i>Gastrophryne carolinensis</i>
Southern leopard frog	<i>Rana sphenoccephala</i>
Greenhouse frog	<i>Eleutherodactylus planirostris</i>
Cuban treefrog	<i>Osteopilus septentrionalis</i>
Reptiles	
Florida scarlet snake	<i>Cemophora coccinea coccinea</i>
Southern black racer	<i>Coluber constrictor priapus</i>
Southern ringneck snake	<i>Diadophis punctatus punctatus</i>
Eastern indigo snake	<i>Drymarchon corais couperi</i>
Corn snake	<i>Elaphe guttata guttata</i>
Yellow rat snake	<i>Elaphe obsoleta quadrivittata</i>
Eastern hognose	<i>Heterodon platyrhinos</i>
Common kingsnake	<i>Lampropeltis getulus</i>
Scarlet kingsnake	<i>Lampropeltis triangulum elapsoides</i>
Eastern coachwhip	<i>Masticophis flagellum flagellum</i>
Florida green water snake	<i>Nerodia cyclopion floridana</i>
Mangrove salt marsh snake	<i>Nerodia fasciata compressicauda</i>
Rough green snake	<i>Opheodrys aestivus</i>
Peninsula ribbon snake	<i>Thamnophis sauritus sackeni</i>
Eastern garter snake	<i>Thamnophis sirtalis sirtalis</i>
Eastern coral snake	<i>Micrurus fulvius fulvius</i>
Florida cottonmouth	<i>Agkistrodon piscivorus conanti</i>
Eastern diamondback rattlesnake	<i>Crotalus adamanteus</i>
Dusky pygmy rattlesnake	<i>Sistrurus miliarius barbouri</i>
American alligator	<i>Alligator mississippiensis</i>
American crocodile	<i>Crocodylus acutus</i>
Island glass lizard	<i>Ophisaurus compressus</i>
Eastern glass lizard	<i>Ophisaurus ventralis</i>
Green anole	<i>Anolis carolinensis carolinensis</i>
Brown anole	<i>Anolis sagrei sagrei</i>
Southeastern 5-lined skink	<i>Eumeces inexpectatus</i>
Ground skink	<i>Scincella laterale</i>
6-lined racerunner	<i>Cnemidophorus sexlineatus</i>
Atlantic loggerhead	<i>Caretta caretta caretta</i>
Ornate diamondback terrapin	<i>Malaclemys terrapin macrospilota</i>
Gulf coast box turtle	<i>Terrapene carolina major</i>

Gopher tortoise	<i>Gopherus polyphemus</i>
Birds	
Common loon	<i>Gavia immer</i>
Pied-billed grebe	<i>Podilymbus podiceps</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
Brown pelican	<i>Pelecanus occidentalis</i>
Double-crested cormorant	<i>Phalacrocorax auritus</i>
Anhinga	<i>Anhinga anhinga</i>
Magnificent frigatebird	<i>Fregata magnificens</i>
American bittern	<i>Botaurus lentiginosus</i>
Least bittern	<i>Ixobrychus exilis</i>
Great blue heron	<i>Ardea herodias</i>
Great egret	<i>Casmerodius albus</i>
Snowy egret	<i>Egretta thula</i>
Little blue heron	<i>Egretta caerulea</i>
Tricolored heron	<i>Egretta tricolor</i>
Reddish egret	<i>Egretta rufescens</i>
Cattle egret	<i>Bubulcus ibis</i>
Green-backed heron	<i>Butorides striatus</i>
Black-crowned night-heron	<i>Nycticorax nycticorax</i>
Yellow-crowned night-heron	<i>Nycticorax violacea</i>
White ibis	<i>Eudocimus albus</i>
Glossy ibis	<i>Plegadis falcinellus</i>
Roseate spoonbill	<i>Ajaia ajaja</i>
Wood stork	<i>Mycteria americana</i>
Fulvous whistling-duck	<i>Dendrocygna bicolor</i>
Muscovy duck	<i>Cairina moschata</i>
Wood duck	<i>Aix sponsa</i>
Green-winged teal	<i>Anas crecca</i>
American black duck	<i>Anas rubripes</i>
Mottled duck	<i>Anas fulvigula</i>
Mallard	<i>Anas platyrhynchos</i>
Northern pintail	<i>Anas acuta</i>
Blue-winged teal	<i>Anas discors</i>
Northern shoveler	<i>Anas clypeata</i>
Gadwall	<i>Anas strepera</i>
American wigeon	<i>Anas americana</i>
Canvasback	<i>Aythya valiseneria</i>
Redhead	<i>Aythya americana</i>
Ring-necked duck	<i>Aythya collaris</i>
Lesser scaup	<i>Aythya affinis</i>
Hooded merganser	<i>Lophodytes cucullatus</i>
Red-breasted merganser	<i>Mergus serrator</i>
Ruddy duck	<i>Oxyura jamaicensis</i>
Black vulture	<i>Coragyps atratus</i>
Turkey vulture	<i>Cathartes aura</i>

Osprey	<i>Pandion haliaetus</i>
American swallow-tailed kite	<i>Elanoides forficatus</i>
Bald eagle	<i>Haliaeetus leucocephalus</i>
Northern harrier	<i>Circus cyaneus</i>
Sharp-shinned hawk	<i>Accipiter striatus</i>
Cooper's hawk	<i>Accipiter cooperii</i>
Red-shouldered hawk	<i>Buteo lineatus</i>
Broad-winged hawk	<i>Buteo platypterus</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
American kestrel	<i>Falco sparverius</i>
Merlin	<i>Falco columbarius</i>
Peregrine falcon	<i>Falco peregrinus</i>
Wild turkey	<i>Meleagris gallopavo</i>
Northern bobwhite	<i>Colinus virginianus</i>
Black rail	<i>Laterallus jamaicensis</i>
Clapper rail	<i>Rallus longirostris</i>
King rail	<i>Rallus elegans</i>
Virginia rail	<i>Rallus limicola</i>
Sora	<i>Porzana carolina</i>
Purple gallinule	<i>Porphyryla martinica</i>
Common moorhen	<i>Gallinula chloropus</i>
American coot	<i>Fulica americana</i>
Limpkin	<i>Aramus gaurauna</i>
Sandhill crane	<i>Grus canadensis</i>
Black-bellied plover	<i>Pluvialis squatarola</i>
American golden plover	<i>Pluvialis dominica</i>
Piping plover	<i>Charadrius melodus</i>
Semipalmated plover	<i>Charadrius semipalmatus</i>
Cuban snowy plover	<i>Charadrius alexandrinus</i>
Wilson's plover	<i>Charadrius wilsonia</i>
Killdeer	<i>Charadrius vociferus</i>
American oystercatcher	<i>Haematopus palliatus</i>
Greater yellowlegs	<i>Tringa melanoleuca</i>
Lesser yellowlegs	<i>Tringa flavipes</i>
Solitary sandpiper	<i>Tringa solitaria</i>
Willet	<i>Catoptrophorus semipalmatus</i>
Spotted sandpiper	<i>Actitis macularia</i>
Upland sandpiper	<i>Bartramia longicauda</i>
Whimbrel	<i>Numenius phaeopus</i>
Long-billed curlew	<i>Numenius americanus</i>
Marbled godwit	<i>Limos fedoa</i>
Ruddy turnstone	<i>Arenaria interpres</i>
Red knot	<i>Calidris canutus</i>
Sanderling	<i>Calidris alba</i>
Dunlin	<i>Calidris alpina</i>
Pectoral sandpiper	<i>Calidris melanotos</i>

White-rumped sandpiper	<i>Calidris fuscicollis</i>
Western sandpiper	<i>Calidris mauri</i>
Semipalmated sandpiper	<i>Calidris pusilla</i>
Least sandpiper	<i>Calidris minutilla</i>
Short-billed dowitcher	<i>Limnodromus griseus</i>
Common snipe	<i>Gallinago gallinago</i>
Bonaparte's gull	<i>Larus philadelphia</i>
Laughing gull	<i>Larus atricilla</i>
Ring-billed gull	<i>Larus delawarensis</i>
Herring gull	<i>Larus argentatus</i>
Caspian tern	<i>Sterna caspia</i>
Royal tern	<i>Sterna maxima</i>
Sandwich tern	<i>Sterna sandvicensis</i>
Common tern	<i>Sterna hirundo</i>
Forster's tern	<i>Sterna forsteri</i>
Least tern	<i>Sterna antillarum</i>
Gull-billed tern	<i>Sterna nilotica</i>
Black tern	<i>Chlidonias niger</i>
Black skimmer	<i>Rynchops nigra</i>
Mourning dove	<i>Zenaida macroura</i>
Eurasian collared-dove	<i>Streptopelia decaocto</i>
Common ground-dove	<i>Columbina passerina</i>
Yellow-billed cuckoo	<i>Coccyzus americanus</i>
Mangrove cuckoo	<i>Coccyzus minor</i>
Barn owl	<i>Tyto alba</i>
Great horned owl	<i>Bubo virginianus</i>
Burrowing owl	<i>Speotyto cunicularia</i>
Eastern screech-owl	<i>Otus asio</i>
Chuck-will's-widow	<i>Caprimulgus carolinensis</i>
Whip-poor-will	<i>Caprimulgus vociferus</i>
Common nighthawk	<i>Chordeiles minor</i>
Chimney swift	<i>Chaetura pelagica</i>
Ruby-throated hummingbird	<i>Archilochus colubris</i>
Belted kingfisher	<i>Ceryle alcyon</i>
Red-bellied woodpecker	<i>Melanerpes carolinus</i>
Yellow-bellied sapsucker	<i>Sphyrapicus varius</i>
Downy woodpecker	<i>Picoides pubescens</i>
Northern flicker	<i>Colaptes auratus</i>
Pileated woodpecker	<i>Dryocopus pileatus</i>
Eastern wood-pewee	<i>Contopus virens</i>
Acadian flycatcher	<i>Empidonax virescens</i>
Least flycatcher	<i>Empidonax minimus</i>
Eastern phoebe	<i>Sayornis phoebe</i>
Great crested flycatcher	<i>Myiarchus crinitus</i>
Gray kingbird	<i>Tyrannus dominicensis</i>
Eastern kingbird	<i>Tyrannus tyrannus</i>

Loggerhead shrike	<i>Lanius ludovicianus</i>
Red-eyed vireo	<i>Vireo olivaceus</i>
Black-whiskered vireo	<i>Vireo altiloquus</i>
White-eyed vireo	<i>Vireo griseus</i>
Yellow-throated vireo	<i>Vireo flavifrons</i>
Blue-headed vireo	<i>Vireo solitarius</i>
Blue jay	<i>Cyanocitta cristata</i>
American crow	<i>Corvus brachyrhynchos</i>
Fish Crow	<i>Corvus ossifragus</i>
Purple martin	<i>Progne subis</i>
Northern rough-winged swallow	<i>Stelgidopteryx serripennis</i>
Bank swallow	<i>Riparia riparia</i>
Tree swallow	<i>Tachycineta bicolor</i>
Cliff swallow	<i>Hirundo pyrrhonota</i>
Barn swallow	<i>Hirundo rustica</i>
Tufted titmouse	<i>Parus bicolor</i>
Carolina chickadee	<i>Parus carolinensis</i>
Brown-headed nuthatch	<i>Sitta pusilla</i>
Brown creeper	<i>Certhia americana</i>
Carolina wren	<i>Thryothorus ludovicianus</i>
House wren	<i>Troglodytes aedon</i>
Sedge wren	<i>Cistothorus platensis</i>
Marsh wren	<i>Cistothorus palustris</i>
Ruby-crowned kinglet	<i>Regulus calendula</i>
Blue-gray gnatcatcher	<i>Polioptila caerulea</i>
Eastern bluebird	<i>Sialia sialis</i>
American robin	<i>Turdus migratorius</i>
Wood thrush	<i>Hylocichla mustelina</i>
Veery	<i>Catharus fuscescens</i>
Swainson's thrush	<i>Catharus ustulatus</i>
Gray-cheeked thrush	<i>Catharus minimus</i>
Gray catbird	<i>Dumetella carolinensis</i>
Northern mockingbird	<i>Mimus polyglottos</i>
Brown thrasher	<i>Toxostoma rufum</i>
European starling	<i>Sturnus vulgaris</i>
American pipit	<i>Anthus rubescens</i>
Cedar waxwing	<i>Bombycilla cedorum</i>
Northern parula	<i>Parula americana</i>
Orange-crowned warbler	<i>Vermivora celata</i>
Tennessee warbler	<i>Vermivora peregrina</i>
Blue-winged warbler	<i>Vermivora pinus</i>
Yellow warbler	<i>Dendroica petechia</i>
Chestnut-sided warbler	<i>Dendroica pensylvanica</i>
Magnolia warbler	<i>Dendroica magnolia</i>
Cape May warbler	<i>Dendroica catigrina</i>
Black-throated blue warbler	<i>Dendroica caerulescens</i>

Blackburnian warbler	<i>Dendroica fusca</i>
Yellow-rumped warbler	<i>Dendroica coronata</i>
Black-throated green warbler	<i>Dendroica virens</i>
Prairie warbler	<i>Dendroica discolor</i>
Palm warbler	<i>Dendroica palmarum</i>
Pine warbler	<i>Dendroica pinus</i>
Blackpoll warbler	<i>Dendroica striata</i>
Yellow-throated warbler	<i>Dendroica dominica</i>
Worm-eating warbler	<i>Helmitheros vermivorus</i>
Prothonotary warbler	<i>Protonotaria citrea</i>
Black-and-white warbler	<i>Mniotilta varia</i>
American redstart	<i>Setophaga ruticilla</i>
Swainson's warbler	<i>Limnithlypis swainsonii</i>
Ovenbird	<i>Seiurus aurocapillus</i>
Northern waterthrush	<i>Seiurus noveboracensis</i>
Louisiana waterthrush	<i>Seiurus motacilla</i>
Kentucky warbler	<i>Oporornis formosus</i>
Common yellowthroat	<i>Geothlypis trichas</i>
Hooded warbler	<i>Wilsonia citrina</i>
Summer tanager	<i>Piranga rubra</i>
Scarlet tanager	<i>Piranga olivacea</i>
Northern cardinal	<i>Cardinalis cardinalis</i>
Rose-breasted grosbeak	<i>Pheucticus ludovicianus</i>
Blue grosbeak	<i>Guiraca caerulea</i>
Indigo bunting	<i>Passerina cyanea</i>
Painted bunting	<i>Passerina ciris</i>
Dicksissel	<i>Spiza americana</i>
Eastern towhee	<i>Pipilo erythrophthalmus</i>
Field sparrow	<i>Spizella pusilla</i>
Chipping sparrow	<i>Spizella passerina</i>
Grasshopper sparrow	<i>Ammodramus savannarum</i>
Savannah sparrow	<i>Passerculus sandwichensis</i>
Song sparrow	<i>Melospiza melodia</i>
Lincoln's sparrow	<i>Melospiza lincolnii</i>
Swamp sparrow	<i>Melospiza georgiana</i>
Eastern meadowlark	<i>Sturnella magna</i>
Bobolink	<i>Dolichonyx oryzivorus</i>
Brown-headed cowbird	<i>Molothrus ater</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Common grackle	<i>Quiscalus quiscula</i>
Boat-tailed grackle	<i>Quiscalus major</i>
Baltimore oriole	<i>Icterus galbula</i>
Orchard oriole	<i>Icterus spurius</i>
American goldfinch	<i>Carduelis tristis</i>
House sparrow	<i>Passer domesticus</i>

PLANT AND HABITAT INVENTORY

Submitted Pursuant to P.O. Number S 3700 304482

ESTERO RIVER SCRUB (ERS) PARCEL

SECTIONS 19, 29, AND 30
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

JUNE 25, 2001

Submitted to:

Ms. Heather Stafford, Manager
Estero Bay Aquatic & State Buffer
Preserve
700-1 Fisherman's Wharf
Fort Myers Beach, FL 33931

Submitted by:

Vanasse & Daylor, LLP
12730 New Brittany Boulevard, Suite 600
Fort Myers, FL 33907

Prepared by:

Vanasse & Daylor, LLP



In Association

With:

Coastal Engineering Consultants, Inc.
17595 South Tamiami Trail, Suite 102
Fort Myers, FL 33908

Table 2-1. ERS Parcel: Ecological Communities (FLUCFCS)

CODE	DESCRIPTION	ACREAGE	% OF TOTAL
321	Palmetto prairie	7.4	0.6
3219	Palmetto prairie, disturbed	8.5	0.7
411	Pine Flatwoods	188.0	14.4
411/428	Pine/cabbage palm	5.9	0.5
4119	Pine flatwoods - disturbed	153.9	11.8
416	Scrubby Flatwoods	63.0	4.8
424	Meleleuca w/Saw palmetto	72.6	5.6
428	Cabbage palm	6.5	0.5
4289	Cabbage palm-disturbed hydric	1.3	0.1
437	Australian pine	0.9	0.1
439	Other Hardwoods	0.5	0.0
510	Streams and waterways	25.3	1.9
514	Ditches	14.9	1.1
524	Lakes less than 10 acres	1.1	0.1
612	Mangroves	477.5	36.7
612/743	Spoil mounds within mangrove wetlands	11.7	0.9
6129	Mangroves-disturbed	2.8	0.2
617	Buttonwood/mangrove/pepper	4.1	0.3
6191	Brazilian pepper, hydric	2.3	0.2
6192	Melaleuca, hydric	129.7	10.0
6219	Cypress, disturbed	0.7	0.1
6419	Freshwater marsh	0.2	0.0
642	Saltwater marsh	19.3	1.5
6422	Saltmarsh-needle rush	42.0	3.2
6439	Wet prairie, disturbed	3.0	0.2
651	Tidal flats	36.4	2.8
740	Disturbed land	0.5	0.0
7401	Disturbed lands, hydric	1.6	0.1
742	Borrow Pits	1.4	0.1
743	Spoil areas	1.2	0.1
812	Former railroad grade	5.8	0.5
831/832	Transmission lines (access road and R.O.W.)	12.9	0.9
	TOTAL	1301.9	100.0

November 28, 2001

Mr. Wayne Arnold
Q. Grady Minor & Associates, P.A.
3800 Via Del Ray
Bonita Springs, Fl 34134

RE: Estero 60 Acre Land Trust
Lee Plan Amendment: PAM98-06

Dear Mr. Arnold,

The Florida Department of Community Affairs (DCA) has issued its Objections, Recommendations, and Comment (ORC) Report (attached) for the Lee Plan amendments that were transmitted by the Board of County Commissioners on August 29, 2001. The DCA has stated an objection concerning the privately initiated Lee Plan Amendment PAM 98-06. The DCA is requesting additional data and analysis to support the proposed Future Land Use Map amendment.

It is the County's policy that it is the responsibility of the applicant to respond to any objections or concerns identified in an ORC report for privately initiated amendments. The data and analysis requested by the ORC will need to be received by planning staff at least four weeks prior to the adoption hearing date in order to allow staff sufficient time to review the materials and make a recommendation to the Board. Staff estimates that the adoption hearing will be held during the week of January 14, 2002. That would make your submittal to staff due prior to the Christmas Holidays.

If I can be of assistance or if you have any questions regarding this matter please feel free to call me at the above referenced number.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning Division

Peter Blackwell
Planner

PCB

cc: *Andy DeSalvo*
Neale Montgomery



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

November 9, 2001

Mr. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Lee County, 01-1, Comp Plan Amendment ORC Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed the proposed amendments under the procedures of Chapter 163, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*, and offers the following comments on Amendment PAM 98-06:

Department staff concur with the comments and recommendations provided by Lee County Division of Planning staff in their *Staff Report for Comprehensive Plan Amendment PAM 98-06* dated August 29, 2001. The proposed amendment would change the Future Land Use designation of a 60-acre tract of land from "Rural" to "Outlying Suburban," including a proposal to double the density from one dwelling unit per acre to a maximum of two dwelling units per acre. The Department has serious concerns regarding future development on this environmentally sensitive site.

The entire 60-acre tract is located within Flood Zone A14, as depicted on the Lee County *Flood Insurance Rate Map (FIRM), Panel # 125124 0455 B* (1984). A portion of the proposed residential site contains wetlands, wet depressional areas, and the southern end of the Mullock Creek drainage system. The tract's uplands are underlain by flatwoods soils (Daytona and Immokalee sands). Those soils have been identified in the *Soil Survey of Lee County, Florida*, as having severe limitations for sanitary facilities and urban development due to the (typically) high water table and rapid permeability.

In addition to the Estero Bay Aquatic Preserve, Estero Bay State Buffer Preserve, and adjacent Estero Scrub Preserve lands, the Estero Bay Tributaries (including the Mullock Creek drainage system to U.S. Hwy. 41) have been designated Outstanding Florida Waters (OFW) under Rule 62-302.700(9)(i)12., *F.A.C.* A portion of the OFW system is located along the eastern boundary of the subject site. The Estero Bay basin is also one of the watershed management areas included within the Charlotte Harbor National Estuary Program. The designations thus reflected in Chapters 253, 258, 373, and 403, *F.S.*, afford the highest level of state protection.

"More Protection, Less Process"

Printed on recycled paper.

to the waterways and public lands associated with Estero Bay. As such, we are particularly concerned about the proposals to increase density and to utilize septic systems on the site. The suitability of the land proposed for development should be carefully reviewed to ensure that the proposed changes would not cause adverse impacts to the quantity, quality, and flow of the groundwater, surface waters, wetlands, and flood-detention areas within the Estero Bay estuarine system. Before the project proceeds, the plan to utilize septic tank systems should be carefully analyzed in light of the water quality antidegradation policies outlined in Rules 62-4.242(2) and 62-302.700, *F.A.C.*, to confirm that the proposed wastewater treatment will be adequate and that the associated septic systems would not create adverse nutrient impacts in the surrounding area. The development's stormwater treatment system must also be designed to prevent water quality degradation of the receiving waters in the above-mentioned OFWs and to meet the design and performance criteria established for the treatment/attenuation of discharges to OFWs, under Rule 40E-4, *F.A.C.*, and the South Florida Water Management District's *Basis of Review for ERP Applications*.

It is anticipated that the proposed increase in density will result in the following natural resource impacts within or adjacent to the subject development area:

- ◆ Alteration of the existing surface water hydrology and natural drainage patterns on adjacent properties as a result of increased impervious surface development.
- ◆ Modification of groundwater levels and hydrological contributions to the Estero Bay estuarine system, particularly those of Mullock Creek, due to increased water consumption and the creation of drainage ditches and stormwater ponds.
- ◆ Reduction in flood attenuation capacity of area creeks and ditches by increasing the amount of impervious surface within the watershed.
- ◆ Increased erosion and sediment loading due to construction activities and removal of existing vegetation.
- ◆ Alteration of water quality by increased nutrient and pollutant loads typically associated with urban and suburban development (road surface runoff, septic systems, lawn fertilizers, etc.). The effect of higher pollutant loading during storm events will be further magnified by a reduction in the overall quantity of water naturally entering the system.
- ◆ The proposed development may also impact portions of Conservation and Recreation Lands (CARL) previously acquired by the state and designated for resource protection.

In general, the Department of Environmental Protection recommends that community improvements not infringe upon environmentally sensitive areas such as flood zones, rare or endangered species habitat, wetlands or natural drainage courses, which should be preserved for their environmental and aesthetic significance. As described in the Florida Water Plan, established under Sections 187.201 and 373.036, *F.S.*, concerns for natural systems maintenance are directly related to rapid population growth and development and resulting impacts, such as "the creation of flood hazards, destruction of valuable wildlife habitat and the degradation of water quality caused by development that encroaches into floodplains and flood-prone areas."¹ The primary goal of the Florida Water Plan is to ensure long-term sustainability of Florida's water resources for the benefit of the state's economy, natural systems, and quality of life.

In light of the foregoing, the Department recommends that the applicant reduce the size and scope of the project to one more suited to the available upland area. The proposed land use change and Future Urban Area designation for the subject property and any other undeveloped parcel located in Flood Zone A adjacent to the Estero Bay State Buffer Preserve should not proceed without an extensive analysis of potential development impacts and evaluation of anticipated project needs.

Thank you for the opportunity to comment on the proposed amendments. If I may be of further assistance, please call me at (850) 487-2231.

Sincerely,



Lauren P. Milligan
Environmental Specialist
Office of Intergovernmental Programs

/lpm

¹ FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, 1995 FLORIDA WATER PLAN __ (Dec. 8, 1995).

**Phyllis & Irwin Bogen
1053 Sea Hawk Lane
Sanibel, FL 33957**

November 2, 2001

Bureau of Local Planning
Dept. of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

To: Bernard Piawah

It has come to our attention that Lee County is submitting a Comprehensive Plan Amendment to the state in order to double the density on a 60 acre property that is slated for purchase through the Florida Forever Program. This ploy will undoubtedly increase the cost of the property.

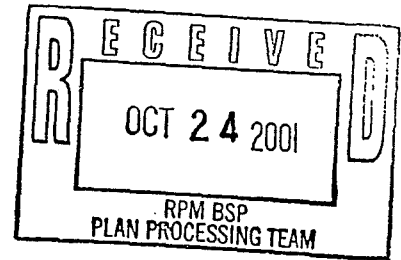
Please do not accept the plan amendment -- i.e., PAM 98-06!

Yours truly,

Phyllis Bogen
Irwin Bogen
Phyllis & Irwin Bogen

MICHAEL J. GILLESPIE

1291 SANDCASTLE ROAD
SANIBEL ISLAND, FLORIDA 33957
(941) 472-4828



October 22, 2001

Mr. Bernard Paiwah
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

RE: Estero Bay (Lee County) Density Increase

Dear Mr. Paiwah:

The Lee County Board of Commissioners recently passed a measure doubling the density of a 60-acre parcel on Estero Bay. It is my understanding that this measure is subject to approval by your Department.

I write to strenuously protest this measure. It was passed despite the recommendations (to the contrary) of the Lee County Planning Staff. And it is vigorously opposed by The Estero Bay Agency on Bay Management.

The land in question borders an environmental buffer protecting Estero Bay from pollution. I am told the owners of this land, who intend to sell it to a developer, lobbied for the density increase to significantly increase the land value and their profits.

This has all the appearances of a measure that rates development and the economic interests of a small minority above environmental protection that is in the interest of the public at large.

I urge that you disapprove and reject this insupportable density increase.

Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Gillespie".

Michael J. Gillespie

**CPA 2000-27
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
January 10th, Adoption Hearing**

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585**

November 21, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2000-27**

☒

Text Amendment

☐

Map Amendment

	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 8th, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.

B. BACKGROUND INFORMATION

Florida Statute 163.3177(3) requires a Capital Improvement Element in the Lee Plan. This element is to be annually reviewed and modified, per Florida Statute 163.3177(3)(b). The last such amendment was approved on November 22, 1999 and included the CIP for the fiscal years 2000-2004. The tables attached to this document cover fiscal years 2001-2005. This amendment was initiated by the Board of County Commissioners on September 19th, 2000.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Amend the Capital Improvements Element (Table 3 & 4) to reflect the latest adopted Capital Improvement Program.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). The latest adopted CIP covers fiscal years 2001 to 2005. The Lee Plan, to remain timely, should be amended to reflect these revisions.

In order to keep the Lee Plan up-to-date with the County's latest plans, revised Tables 3 and 4 have been prepared and are attached to this report. Revised Table 3 is a direct reproduction of relevant sections of the CIP. Revised Table 4 addresses the relation of individual capital projects with the Lee Plan. Approval of this amendment will bring the Lee Plan into compliance with the annual CIP.

B. CONCLUSIONS

Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners amend the Lee Plan by incorporating the attached revised tables 3 and 4 into the Capital Improvements Element.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC LPA HEARING: January, 22 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation. One LPA member asked staff to clarify which fiscal years were covered by the proposed amendment. Staff responded that the proposed amendment covered fiscal years 2001 through 2005. The LPA then asked about specific projects listed in the CIP. Staff stated that the budget office had the specific information.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommends to transmit the proposal to amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
SUSAN BROOKMAN	<u>Aye</u>
BARRY ERNST	<u>Aye</u>
RONALD INGE	<u>Aye</u>
GORDON REIGELMAN	<u>Aye</u>
VIRGINIA SPLITT	<u>Aye</u>
GREG STUART	<u>Aye</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 21, 2001

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**
The DCA had no objections, recommendations, or comments concerning this amendment.
- B. STAFF RECOMMENDATION**
Adopt the amendment as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

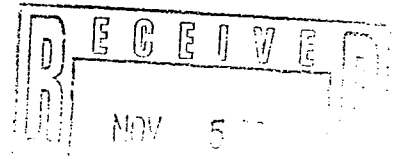
JOHN ALBION

ANDREW COY

RAY JUDAH

BOB JANES

DOUG ST. CERNY



Florida Department of Transportation

JEB BUSH
GOVERNOR

801 N. Broadway
Bartow, Florida 33830

THOMAS F. BARRY, JR.
SECRETARY

October 31, 2001

Mr. Ray Eubanks
Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

97W
11-5-01

RE: Lee County Comprehensive Plan Amendments- DCA No. 01-1

Dear Mr. Eubanks:

We have reviewed the referenced Lee County Comprehensive Plan Amendments package. Our review indicates that none of the proposed amendments will have a significant impact on the State Transportation System.

These comments reflect a planning level review only. Access connections to the State Highway System are subject to permitting which may necessitate mitigation requirements. The permitting process is described in Rule 14-96 FAC.

If you have any questions, please contact John Czerepak at (941) 519-2343 or Suncom 557-2343.

Sincerely,

Michael J. Tako Nicolaisen, P.E.
Interim Planning Manager

MJTN/GJC/gjc

cc: Richard L. Combs, FDOT
Files

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

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Office of International Relations
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Division of Corporations
Division of Cultural Affairs
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Division of Library and Information Services
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FLORIDA DEPARTMENT OF STATE

Katherine Harris

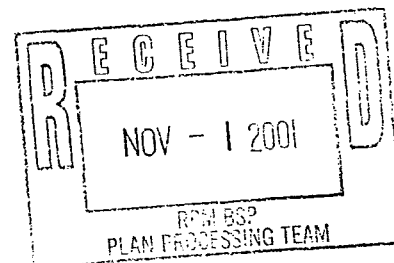
Secretary of State

DIVISION OF HISTORICAL RESOURCES

October 24, 2001

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

9RW
11-2-0



Re: Historic Preservation Review of the Lee County (01-1) Comprehensive Plan Amendment Request (Received by DHR on 09/24/01)

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We have reviewed many proposed text changes and Future Land Use Map amendments to the Lee County Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that many of the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Lee County. Specific comments regarding individual amendments are as follows.

Amendment PAT99-20, CPA2000-04 (Orange River Property) and CAP2001-01 (Bonita Beach Road) have both had archaeological surveys completed where potentially significant resources were discovered. As long as appropriate actions are taken to protect these resources, then any resulting changes should be acceptable. Regarding Amendment CPA2000-07, there are National Register individually listed sites and a National Register listed district within this urban infill area. It is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on these significant archaeological or historic resources. Again, if these concerns are addressed and appropriate actions are taken to protect these resources, then any resulting changes should be acceptable. For Amendment CPA2000-19, historic resources are addressed in Policy 19.1.7. We suggest adding "historic resources" to Goal 19.

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

☐ St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Tampa Regional Office
(813) 272-3843 • FAX: 272-2340

Mr. Eubanks
October 24, 2001
Page 2

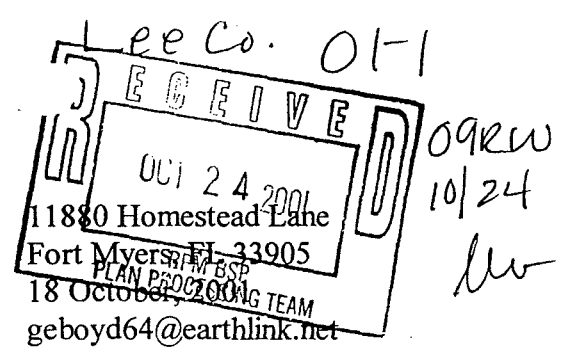
In sum, it is our opinion that the amended comprehensive plan meets (although known and potential historic resources need to be carefully considered in the planning phases of proposed land use changes) the State of Florida's requirements as promulgated in sections 163.3177 and 163.3178, F.S., and Chapter 9J-5, F.A.C., regarding the identification of known historical resources within their specified area of jurisdiction, and for the establishment of policies, goals and objectives for addressing known and potentially significant historical resources in Lee County.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp or Laura Kammerer of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Snyder Matthews". The signature is written in a cursive, flowing style.

Janet Snyder Matthews, Ph.D., Director



Mr. Bernard Piawah
Bureau of Local Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: Lee County proposed Comprehensive Plan Amendment PAM 98-06

Dear Mr. Piawah:

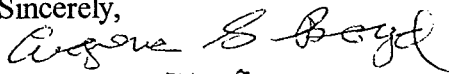
We are writing to urge the Department of Community Affairs to consider rejecting the above proposed comprehensive plan amendment.

This proposed amendment doubles the allowable density on a 60+ acre parcel, from 1 DU/AC to 2 DU/AC. The parcel is bordered on its west and south sides by the Estero Scrub Preserve. At its currently allowable density, it makes a reasonable buffer between the Estero Scrub Preserve and higher density to the east. The applicant has not demonstrated that more urban lands at higher density are needed in Lee County at this time..

In addition, the parcel, as it is now, is mainly good pine flatwoods, with some wetlands and a cypress slough. It provides good wildlife habitat for many listed species, and would be a valuable addition to the Estero Scrub Preserve. Furthermore, the parcel location is too far from existing sanitary sewer infrastructure, and as a result, would require additional on-site septic systems that may further degrade ground and surface water systems, some of which are Outstanding Florida Waters.

The agent for the owner of the parcel has stated publicly that the request for the amendment is strictly to increase the price of the property before selling it to a developer.

We feel that the density on this parcel should remain at 1 DU/AC, as an additional buffer for the Estero Bay Aquatic Preserve. Thank you for your consideration of this matter.

Sincerely,

Eugene H. Boyd
Eugene and Eleanor Boyd

OPINION

Phone: (941) 335-0224 ■ 2442 Dr. Martin Luther King Jr. Blvd. Fort Myers, FL 33901-3987

8B WEDNESDAY, OCTOBER 17, 2001 ***

EDITORIALS

County's housing OK threatens Estero Bay

That pesky and useful environmental advisory group, the Estero Bay Agency on Bay Management, is at it again, with some of its members objecting to development plans that could harm the bay.

Good for them.

Lee County commissioners have already approved a doubling of the housing allowed on the 60-acre Estero Bay 60 project under the comprehensive land use plan — a blueprint critics say the commissioners follow all too loosely.

The doubling was approved despite objections from county staff. Staff didn't buy the justifications offered by the owners, who admit they want to increase the land's value for sale to a developer.

The land borders the environmental buffer designed to protect Estero Bay from the effects of the rapid development in the area.

Some members of the Agency on Bay Management say the land should be bought for preservation. A trustee for the owners

CALL THEM

Florida Department of
Community Affairs: (850)
922-1822



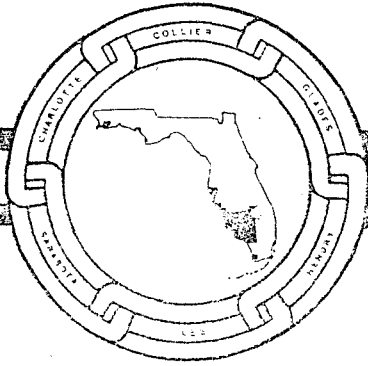
says the state has already rejected that idea.

But whether the land is bought by the state or developed, the housing density should not be doubled just to increase its market value.

The Agency on Bay Management has prepared a request that the state, which must approve amendments to the land use plan, reject this one.

We agree.

People should call the state Department of Community Affairs and urge officials there to reject this amendment as an unjustified danger to Estero Bay.

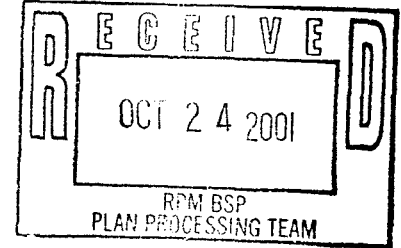


Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (941) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX 941-656-7724



*9RW
10-24-01*

October 22, 2001

Mr. D. Ray Eubanks
Community Program Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Lee County/DCA 01-1

On October 18, the Southwest Florida Regional Planning Council reviewed the 24 proposed amendments 98-06 through 00-31 to the Comprehensive Plan of Lee County. That review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council approved staff comments that of the 14 Regionally Significant proposed amendments, only PAM 98-06 required mitigation to be consistent with the Strategic Regional Policy Plan, August 1995. The other 10 proposed amendments were found to be of no regional significance. Copies of the SWFRPC approved staff comments are attached.

Sincerely,
Southwest Florida Regional Planning Council

John E. Daltry For

Wayne E. Daltry
Executive Director

WED/JR
Attachment

c: Paul O'Connor, Director, Division of Planning, Lee County

Agenda Item 3(b)1

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

Staff of the Regional Planning Council has reviewed 24 various proposed amendments (98-06 through 00-31) to the Lee Plan transmitted on September 12, 2001, by the Lee County Board of Commissioners. The amendments were developed and reviewed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Attachment III contains maps of proposed FLUM amendments, and Attachment IV lists related jurisdictions notified of the proposed amendments.

Staff reviews proposed amendments for the following factors of regional significance, and when significant, for consistency with the Strategic Regional Policy Plan, August 1995 (SRPP).

1. Location--in or near a regional resource or regional activity center; on or within two miles of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
- 2 Magnitude--equal to or greater than 80% of the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
- 3.Character--of a unique type or use, directly identified as a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction.

The following table summarizes the staff review of the 24 proposed amendments:

Amendment	Factors of Regional Significance			Consistent with SRPP
	Location	Magnitude	Character	
PAM 98-06	yes	no	yes	Mitigation required.
PAT 98-14	no	no	yes	yes
PAT 99-20	yes	yes	no	yes
CPA2000-02	no	no	no	n/a
CPA2000-03	yes	no	no	yes
CPA2000-06	no	no	no	n/a
CPA2000-07	no	no	no	n/a
CPA2000-08	no	no	no	n/a
CPA2000-09	yes	yes	yes	yes
CPA2000-10	yes	yes	yes	yes
CPA2000-11	no	no	no	n/a
CPA2000-13	no	no	yes	yes
CPA2000-14	no	no	no	n/a

LEE COUNTY (continued)

<u>Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent with SRPP</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
CPA2000-15	no	no	no	n/a
CPA2000-17	yes	no	yes	yes
CPA2000-19	yes	yes	no	yes
CPA2000-21	yes	no	yes	yes
CPA2000-22	yes	yes	yes	yes
CPA2000-23	yes	yes	yes	yes
CPA2000-25	yes	yes	yes	yes
CPA2000-26	no	no	no	n/a
CPA2000-27	no	no	no	n/a
CPA2000-29	no	no	yes	yes
CPA2000-31	no	no	no	n/a

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

SWFRPC COMMENTS
24 Proposed Lee County Comprehensive Plan Amendments

Background and Purpose of PAM 98-06

This proposal would amend the Future Land Use Map from *Rural* to *Outlying Suburban* for 51.63 acres of land adjacent to the Estero Scrub Preserve. (See Map #1, Attachment III) The proposal lies west of the current terminus of Pine Road west of U.S. 41 in Estero.

Regional Significance and Consistency - Of the 15 issues identified with this proposal in the County staff report, the following appear to be inconsistent with the SRPP:

The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46, the number of vehicles evacuating in a hurricane from 58 to 116, and the number of people evacuating from 109 to 218. (See Map # 2, Attachment III.)

These issues could be resolved by clustering and elevating any development on the site to make the proposal consistent with the following goal and policy of the Strategic Regional Policy Plan, August 1995:

III. Emergency Preparedness

Goal III-2: Public policy, near shore and island housing costs, and hurricane threat awareness will result in a declining percentage of the region's population living in category 1,2 or 3 storm surge zones.

Policy 5. Discourage residential development from locating in areas most vulnerable to hurricanes.

Background and Purpose of PAT 99-14

This proposal would amend the Community Facilities and Services Element by modifying Policy 39.1.4 to reflect the current status of Lee County Division of Natural Resources in completing the identified basin studies and providing technical flood plain information and analysis. The County staff report notes that since the identified basin studies have been completed, the amendment proposes that the references to the basin studies be removed from Policy 39.1.4. The policy would be amended to contain references to the appropriate government agencies that will be assisting Lee County in the development of new flood plain information.

Regional Significance and Consistency - The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-3: From 1995, All existing and identified future water supply sources will be protected from degradation and from detrimental impacts by human activities,--

Policy 11. Research for the development of water conservation areas to provide for natural attenuation of stormwater runoff peaks, water quality enhancement, and the potential for aquifer recharge should be continued.

Background and Purpose of PAT 99-20

This amendment would reevaluate *Planning Community Year 2020 Allocations* for consistency with existing and approved developments. It would amend the Planning Community boundaries (Map #3, Attachment III) to reflect the incorporation of Bonita Springs and the on-going "grass roots" planning efforts.

Regional Significance and Consistency - The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

II. Economic Development

Goal II-6: All local governments will eliminate deficiencies in public facilities and services and establish properly financed maintenance schedules.

Policy 3. New public facilities should be located in designated urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities needed to accommodate the desired growth in an environmentally acceptable manner to reduce urban sprawl.

Policy 8. Land development plans and regulations should: c. encourage or direct development to areas with adequate current or programmed facilities and services.

Background and Purpose of CPA2000-02

This amendment would update the Future Land Use Map Series to delete the Boca Grande Pass Marina from the Water Dependent Overlay (WDO) zone, and amend Goal 15 of the Lee Plan by adding the following Objective and Policy:

Objective 15.5: Port Facility. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road.

Policy 15.5.1: The commercial and industrial uses 12ennitted in the Port District (excluding those specific uses approved Pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054) are not permitted within that portion of the boundaries of the Boca B4y Community with the zoning designation of Port District.

Regional Significance - The proposed amendment is a procedural matter, as the Boca Grand Pass Marina use no longer exists. The County staff report states that the proposal does not change any existing land uses, but ensures that future land uses will be consistent with existing approvals. Thus, it is not regionally significant.

Background and Purpose of CPA2000-03

The Future Land Use Map would be amended to change the designation from *Mixed Use Interchange* and *General Interchange* to *Outlying Suburban* for approximately 152.37 +/- acres of land generally located in the northwest quadrant of the interchange of I-75 and Daniels Parkway. (See Map #4, Attachment III) The amendment also deletes Policy 1.3.6, the *Mixed Use Interchange* descriptor policy, and reclassifies approximately 2 +/- acres that would remain in the Mixed Use Interchange category as General Interchange. Also, amends the *Planning*

Communities Acreage Allocation for the Daniels Parkway Planning Community, to remove 68 residential acres from the *Mixed Use Interchange* category and add 68 residential acres to the *Outlying Suburban* category.

Regional Significance and Consistency - The County staff report concludes that the proposed amendment would reduce potential residential units from 755 to 459, and non-residential floor area from 1,578,614 sq. ft. to 100,000 sq. ft. This would reduce the total impacts to public services that could otherwise occur under the present Future Land Use Map category. The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

II. Economic Development

Goal II-6: All local governments will eliminate deficiencies in public facilities and services and establish properly financed maintenance schedules.

Policy 8. Land development plans and regulations should: c. encourage or direct development to areas with adequate current or programmed facilities and services.

Background and Purpose of CPA2000-06

The proposal would amend the Future Land Use Map for 413+ acres on the northern edge of Cape Coral near Eagle Road, Section 24, Township 43S, Range 23E, from *Open Lands* to *Rural*. In addition, the amendment adds a footnote clarifying an exception to the *Rural* category for the area limiting the density in this area to 1 du/2.25 acres. The County staff report states that the *Rural* category is a more suitable designation for the site than the *Open Lands* category given the existing density of residential uses and the character of the area.

Regional Significance - The site is divided into 113 single family residential parcels, is about 70% developed, and is surrounded on the east, south and west by the quarter-acre platted lots of the City of Cape Coral. The area would remain designated as a non-urban area without increases in the allowable commercial and industrial intensities and the amendment would have a minimal impact on public service providers. Thus, it is local matter and not regionally significant.

Background and Purpose of CPA2000-07

The proposed amendment would add a map delineating several square miles in Sections 13 and 24, Township 44 South, Range 24 East and Sections 17, 18, 19, and 20 Township 44 South, Range 25 East as an urban infill area. In addition, it would add a new policy describing urban infill areas of the County under Objective 1.7, Special Treatment Areas, of the Future Land Use Element. The County staff report indicates that state of Florida money may be available, for both planning and implementation, for Urban Infill and Redevelopment Grants. The City of Fort Myers has identified an area along Martin Luther King Boulevard that has already qualified for a planning grant. The area contains both incorporated and unincorporated properties.

Regional Significance - The proposed plan amendment, identifying the area for the planning study, is required in order to qualify for and receive the grant funding. At this time the grant application has been submitted and the City has been approved for the planning grant funding.

The Board of County Commissioners, when they co-signed the grant application, committed to a plan amendment that would identify the subject property as an urban infill area. Thus, the proposed amendment is procedural in nature, and not regionally significant.

Background and Purpose of CPA2000-08

The amendment would alter the Future Land Use Map (FLUM) to more closely reflect the Town of Fort Myers Beach adopted Future Land Use Map. The categories used in the Fort Myers Beach Future Land Use Map are intended for different purposes than the Lee County Future Land Use categories. The Town's categories are targeted specifically for conditions on Estero Island, whereas the County categories were created for use in the entire County and have to address a broader range of conditions. As such, there are no exact matches between the two. Some Fort Myers Beach Categories such as Boulevard and Pedestrian Commercial have only approximate matches with Lee County FLUM categories.

Regional Significance - The proposed amendment is procedural in nature, and not regionally significant.

Background and Purpose of CPA2000-09

This amendment would update the Future Land Use Map, *Conservation Lands* land use categories to include 5,929+/- acres purchased by Lee County with the Conservation 2020 program and one 1,245 acre property bought by the State of Florida Trustees For Internal Improvements Trust Fund (TIITF) on Map #5, Attachment III. New language is added to Policy 1.4.6 which states, "2020 lands designated as conservation are also subject to more stringent use provisions of 2020 Program or the 2020 ordinances." The County staff report observes that *Conservation Lands* designation will give the County a competitive edge in obtaining grants, such as the Florida Community Trust, Greenways and Trails grant programs, through demonstrating Lee County's commitment to preserving natural areas as large parcels.

Regional Significance and Consistency - The Conservation 2020 Program objective is to put into the public domain private lands that will sustain native plant and animal populations, help protect people and property from flooding, and help replenish the underground drinking water supply. It will also help to improve or sustain the water quality of our coastal bays, inlets, and sounds, provide eco-tourism opportunities, and provide local environmentally-oriented recreational and educational opportunities. Although partly procedural, the proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land regulations.

Background and Purpose of CPA2000-10

This amendment to the Future Land Use Element would add *Research and Development* as a permitted use under Policy 1.2.2, the Airport Commerce descriptor policy. The County staff report concludes that *Research and Development* land use is consistent with the uses that are already permitted in the Airport Commerce land use category.

Regional Significance and Consistency - Providing for this use in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. *Research and Development* uses would benefit from a location proximate to the airport, the University, and I-75. The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

II. Economic Development

Goal II-20: All communities will promote public and private investment opportunities for existing and future urban areas.

Policy 6. Incentives should be provided for developing land in a way that maximizes the efficient use of existing state, regional, and local public facilities and services.

Background and Purpose of CPA2000-11

The County staff report states that this amendment would modify Policy 6.1.2.6 of the Future Land Use Element to clarify that extension of the *Interstate Interchange* use is not by right, but is permissive and subject to County review and approval. Policy 6.1.2.6 states that "any contiguous property under one ownership may be developed as part of the interstate interchange..." This language does not guarantee that the interchange uses will be extended, nor does it state that the expansion of interchange uses is a choice made solely by the developer.

The policy provides that certain criteria must be met in order to qualify for the expansion of the interchange, and once those criteria have been met, then the County has the ability to decide whether or not to allow it. The County staff report states that the decision of whether or not to allow an interchange to be expanded should be made at the full discretion of the Board of County Commissioners, given the potential impacts to the surrounding existing and future land uses.

Regional Significance - The existing language of Policy 6.1.2.6 does not make it clear enough that the County has full discretion over the expansion of the interchange uses. County staff has proposed a language amendment to help clarify this issue. Thus, the proposed amendment is procedural in nature, and not regionally significant.

Background and Purpose of CPA2000-13

The proposal would amend the Future Land Use Element by adding a policy to Goal 16, *Private Recreational Facilities* in the *Density Reduction/Groundwater Recharge (DR/GR)* category, specifying minimum indigenous preserve area requirements. The purpose of the 200 acre indigenous preservation requirement for golf courses within the *DR/GR* is to protect water recharge, storm water storage, and wildlife habitat. The County staff report advises that criteria

for achieving the indigenous preservation within these *DR/GR* developments should be stricter than areas within other land use categories, due to the sensitivity and importance of these lands to the general public.

Regional Significance and Consistency - Current Policy 16.8 does not contain all the pertinent information for establishing minimum indigenous preservation criteria. The County intends to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved. The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land regulations.

Policy 9. Measures which maintain the Region's current complement of fish and wildlife species through the preservation of diverse and viable habitat should be implemented by land management programs and development regulations.

Background and Purpose of CPA2000-14

The proposed amendment to the Future Land Use Element would modify Policy 16.3.9 to clarify the maintenance area intensity limitations. The County staff report indicates that Policy 16.3.9 is ambiguous in its limitation on golf course maintenance areas. The 25,000 square feet per 18 hole regulation was intended to apply to the area of the maintenance building. Internal examination of the regulation, however, revealed that the limitation needs to be expanded to also include an acreage limitation that can accommodate other maintenance functions that may fall outside the primary maintenance building.

Regional Significance - The combination of the two limitations would prevent future confusion over the intent of the policy. The amendment is procedural, and not of regional significance.

Background and Purpose of CPA2000-15

The proposal would amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses to be consistent with the existing LDC regulation.. The County staff report notes that the LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. Certain vacant parcels in the *DR/GR* may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Regional Significance - This plan amendment is essentially procedural, and not of regional significance.

for achieving the indigenous preservation within these *DR/GR* developments should be stricter than areas within other land use categories, due to the sensitivity and importance of these lands to the general public.

Regional Significance and Consistency - Current Policy 16.8 does not contain all the pertinent information for establishing minimum indigenous preservation criteria. The County intends to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved. The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land regulations.

Policy 9. Measures which maintain the Region's current complement of fish and wildlife species through the preservation of diverse and viable habitat should be implemented by land management programs and development regulations.

Background and Purpose of CPA2000-14

The proposed amendment to the Future Land Use Element would modify Policy 16.3.9 to clarify the maintenance area intensity limitations. The County staff report indicates that Policy 16.3.9 is ambiguous in its limitation on golf course maintenance areas. The 25,000 square feet per 18 hole regulation was intended to apply to the area of the maintenance building. Internal examination of the regulation, however, revealed that the limitation needs to be expanded to also include an acreage limitation that can accommodate other maintenance functions that may fall outside the primary maintenance building.

Regional Significance - The combination of the two limitations would prevent future confusion over the intent of the policy. Thus, the amendment is basically procedural.

Background and Purpose of CPA2000-15

The proposal would amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses to be consistent with the existing LDC regulation.. The County staff report notes that the LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. Certain vacant parcels in the *DR/GR* may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Regional Significance - This plan amendment is essentially procedural, and not of regional significance.

Background and Purpose of CPA2000-17

This proposal amends the Future Land Use Element by removing the Goal for Bonita Springs (#13), and relocates policies which should continue to apply to the remaining unincorporated areas of Bonita Springs. The amendment evaluates the affect of the incorporation of the City of Bonita Springs and the provisions of Goal 13. The amendment proposes to delete from the Lee Plan those provisions in Goal 13 that will be responsibility of the City of Bonita Springs. The provisions of Goal 13 that do apply to the areas in south Lee County outside of the city limits are proposed to be retained and relocated. The amendment also adds a map (Map #6, Attachment III) depicting an Irrigation Well Overlay to the Future Land Use Map series.

Regional Significance and Consistency - The amendment specifies that new irrigation well permits within the new Irrigation Well Overlay may not use a main potable water source. This is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-5: From 1995, protect groundwater resources from depletion and contamination through appropriate regulatory and incentive programs.--

Policy 9. Water resource management programs should include allocation of water for reasonable/beneficial uses with increased emphasis on g. coordination of future development levels and locations in a manner compatible with water and natural resources.

Background and Purpose of CPA2000-19

This proposal would amend the Lee Plan, text and Future Land Use Map series, to incorporate the recommendations of the Estero Community Planning Effort, establishing a Goal and subsequent Objectives and Policies specific to the Estero Community. The proposed goals, objectives, and policies are the result of a year long planning process. They directly reflect the vision that the Estero Community has for its future growth and development. County staff states that this amendment should be viewed as a first step in a continuous process that addresses planning needs in Estero.

Regional Significance and Consistency - While the Estero Community proposed policies to promote "small town" scale urban design, several of the proposed policies encourage a regionally significant goal and policy of mixed use development, and interconnection of residential and commercial areas with bike/pedestrian paths. As such, the proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

V. Regional Transportation

Goal V-3: Local governments will encourage mixed land uses to reduce the need for excessive travel for everyday needs.

Policy 1. Comprehensive plans and land development regulations should provide incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

Background and Purpose of CPA2000-21

This is a general update of the Transportation Element. The County staff report notes that the changes include:

- a modification of Policy 22.1.4 to update the references to particular versions of the Highway Capacity Manual and the FDOT Level of Service Manual,
- a modification of Policy 26.1.3 to distinguish between traffic control devices and plans,
- an expansion of Goal 27 to include operations and maintenance among the aspects of transportation improvements that require coordination with other governmental entities,
- an addition of the new City of Bonita Springs to the list of cities in which the County declares a position of interest on land use decisions in Policy 27.1.3, and
- an update of Policy 21.1.1 and the transportation map series to reflect the most recent Metropolitan Planning Organization (MPO) 2020 highway and transit plans.

Regional Significance and Consistency - The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

V. Regional Transportation

Goal V-14: Local governments and Metropolitan Planning Organizations will ensure through their planning programs that future road networks will accommodate travel demands across jurisdictional boundaries.

Policy 3. Area local governments and regional and state agencies should coordinate roadway network expansion programs.

Policy 9. Transportation improvements are to be located, designed, and scheduled in a manner to coordinate transportation improvements with state, regional, and local plans.

Background and Purpose of CPA2000-22

This proposal would amend the Conservation and Coastal Management Element by adding a policy under Goal 78, Policy 78.1.6, stating that Lee County encourages the efforts of the South Florida Water Management District in establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River. County staff observes that the South Florida Water Management District, the delegating entity over Southwest Florida's waterways, is establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River through the participation of several studies and plans.

Regional Significance and Consistency - Although somewhat procedural, adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan supporting the Caloosahatchee River planning effort would encourage implementation of the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV: Drainage systems will be managed to maintain or restore natural timing, pattern, and quality of freshwater flows of the watershed basin.

Policy 3. The restoration of altered natural water systems by local governments and water management districts should be encouraged and supported.

Background and Purpose of CPA2000-23

The Charlotte Harbor National Estuary Program has adopted a Comprehensive Conservation and Management Plan (CCMP) for the Greater Charlotte Harbor Watershed. This proposal would amend the Conservation and Coastal Management Element by adding a Policy under Goal 78, Policy 78.2.2, stating the County will review the CCMP by the year 2002.

Regional Significance and Consistency - The proposal would commit the County to review the CCMP in order to evaluate and improve the effectiveness of County watershed management programs. This is regionally significant because it would help implement the following goals and policies of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land development regulations.

Goal IV-21: Beginning in 1995, the Natural Resource Management Program shall be based upon the best available verified data and public review of resource documents --

Policy 12. Aquatic and state buffer preserve management activities should be coordinated with regional and state land and water management and environmental education activities.

Background and Purpose of CPA2000-25

This proposal would amend the Parks, Recreation and Open Space Element by adding a new Objective and/or policies to Goal 52, Development Requirements, clarifying the purpose of open space in non-residential projects. The County staff report notes that the purpose of open space in a development is to provide pervious land area to achieve appropriate buffering, visual relief, landscaping, surface water treatment, and preservation of existing native trees and plant communities. Although open space in non-residential developments serves these functions as it does in residential developments, Goal 52 of the Lee Plan currently does not treat all types of open space equally, addressing only residential open space.

In addition, a new objective is proposed to require innovative open space design at the time of zoning review. This is consistent with other provisions of the Lee Plan and with the LDC. The purpose of the open space design is to assess the natural features of the site early in the development process, thereby incorporating the existing native vegetation in a manner that provides visual relief and buffers adjacent uses. Goal 52 of the Lee Plan would be modified to recognize the importance of open space and innovative design that incorporates natural features within developments.

Regional Significance and Consistency - While providing local land use buffering, visual relief, and landscaping, the proposed amendment is regionally significant as it would also help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land development regulations.

Background and Purpose of CPA2000-26

Prior changes to the Transportation Element of the Lee Plan eliminated references to "backlogged" roads because they had all been addressed in one fashion or another, and clarified some references related to "constrained" roads. These changes were not reflected in the Capital Improvements Element, where Policy 70.1.3 still includes "backlogged" and "constrained" roads references that are now inconsistent with language in the Transportation Element. The amendment eliminates the "backlogged" roads reference and updates the "constrained" roads reference in Policy 70.1.3.

Regional Significance - This proposed amendment is procedural and not regionally significant.

Background and Purpose of CPA2000-27

This proposed amendment updates the Capital Improvements Element to reflect the latest adopted Capital Improvement Program (CIP). Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the Comprehensive Plan be amended annually to reflect the modifications of the most recently adopted CIP.

Regional Significance - This proposed amendment is procedural and not regionally significant.

Background and Purpose of CPA2000-29

This proposed amendment would add a definition for the term "Natural Resource Extraction" to the Lee Plan Glossary. In addition, the proposal would amend the Future Land Use Element by adding the term "Natural Resource Extraction" to Goal 10 and its Objectives and Policies, clarifying that natural resources other than minerals are subject to Goal 10 requirements. Principal resources sought in Lee County are sand, gravel, limestone, oil and gas which include both organic and inorganic materials.

Regional Significance and Consistency - The County staff report notes that in addition to protecting surrounding land uses, the proposal would also ensure that all mined material operations, organic and inorganic, conform to County environmental and reclamation requirements. Thus, the proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-14: From 1995, all mining operations will be required to have reclamation programs which will be implemented in a timely manner.

Policy 2. Mining operations should not occur in areas where reclamation is unlikely due to physical, geographical, or environmental constraints.

Background and Purpose of CPA2000-31

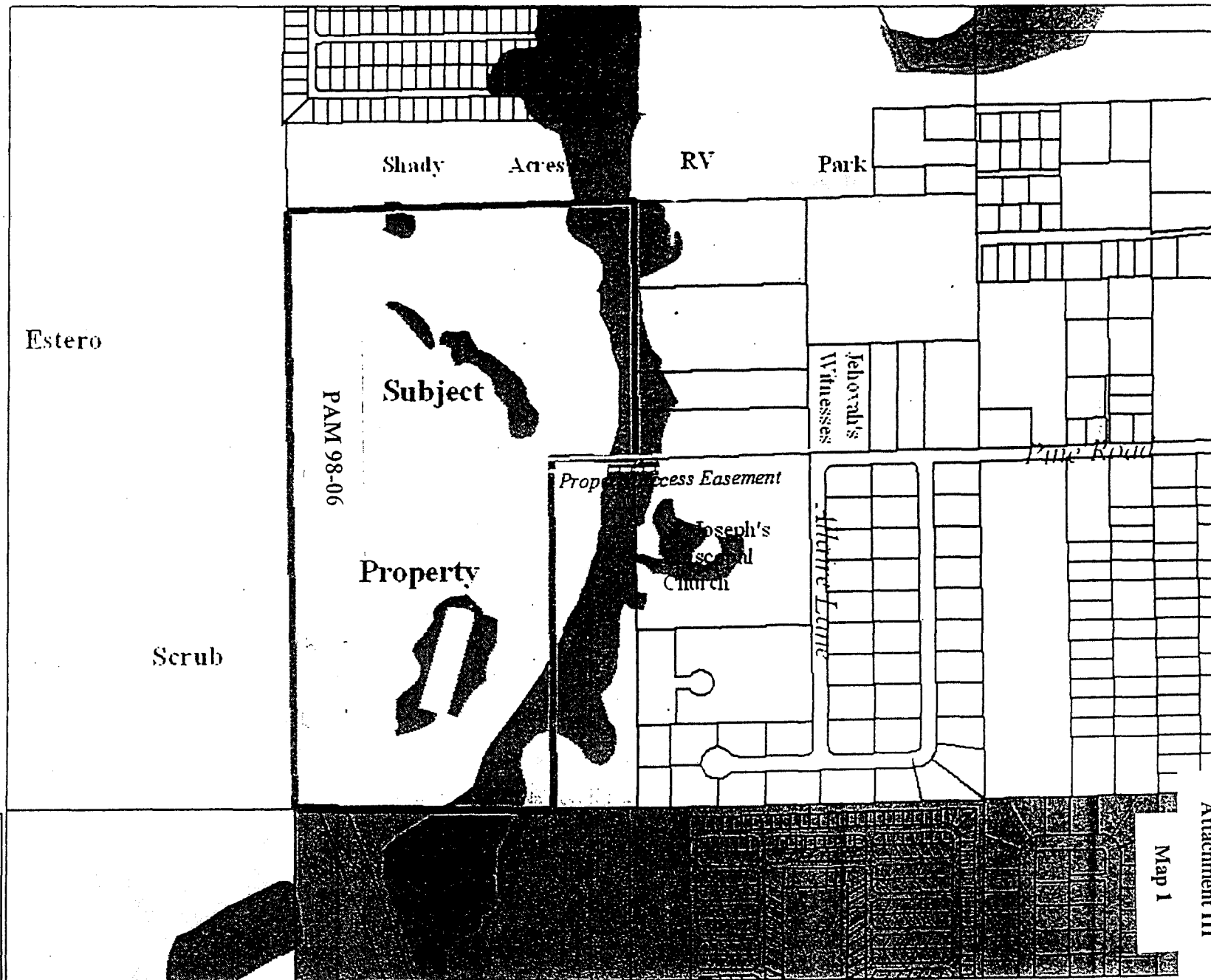
The proposal amends Policy 1. 7. 1, Airport Noise Zones, of the Future Land Use Element by removing language pertaining to the dedication of noise and aviation easements to Lee County within noise zones 2 and 3. It also amends the Lee Plan by deleting Policy 32.2.6. pertaining to the Aviation Easements Program, and amends the Lee Plan Glossary by removing the definition of the term aviation easement as it will no longer apply in the Lee Plan.

Regional Significance - The County staff report notes that the proposed amendment has no effect on existing or future land uses. The County Attorney office states that concerns about inappropriate land uses in the Airport Noise Zones are already addressed by existing land use regulations. This proposed amendment is procedural and not regionally significant.






Conclusion

Of the 14 regionally significant proposed amendments submitted in this package, 13 are consistent with and help implement the Strategic Regional Policy Plan, August 1995 (SRPP). The remaining regionally significant proposed amendment, PAM98-06 will require mitigation or modification to be consistent with the SRPP.

Proposed Future Land Use Map



FLUM Designations

-  Wetlands
-  Rural
-  Suburban
-  Urban Community
-  Outlying Suburban

0 125 250 500 750

Feet

Map created May 21, 2001

Map 1

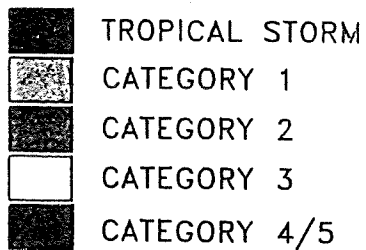
Agenda Item 3(b)1
Attachment III

THE COUNTY OF SAN JOSE
OFFICE OF THE PLANNING DIRECTOR

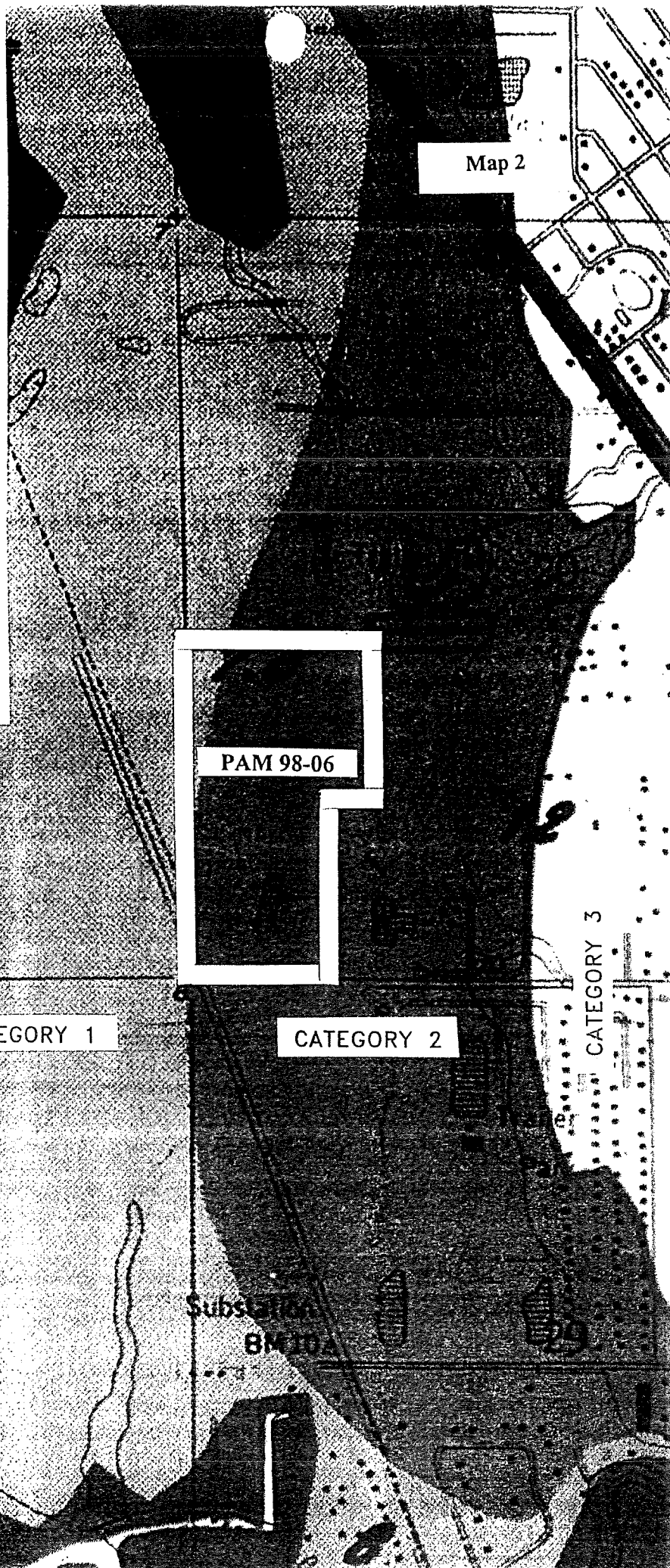
PLATE 6

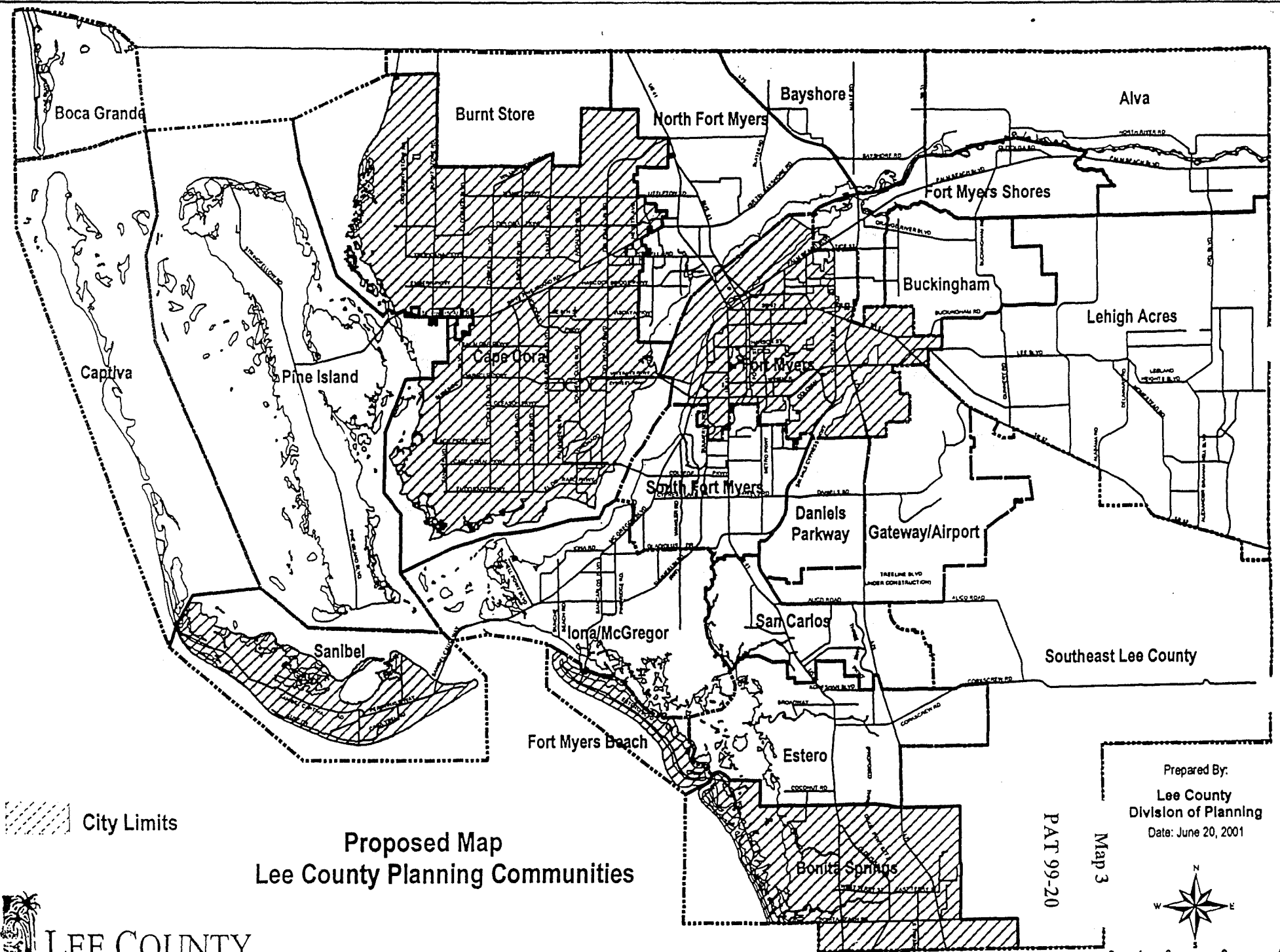
LEE COUNTY, FLORIDA
LANDFALLING STORM

LEGEND STORM SURGE



6.8 SPOT ELEVATION













Map 4

Subject Property

CPA2000-03

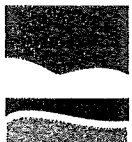
Legend

-  Parcels
-  Future Land Use
-  OUTLYING SUBURBAN
-  PUBLIC FACILITIES
-  INTERCHANGE-GENERAL
-  INTERCHANGE-MIXED USE
-  AIRPORT COMMERCE
-  RURAL
-  WETLANDS

100 0 100 200 Feet

It is the end user's responsibility to verify the accuracy of the data hereon.

Vanasse
Daylor



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Fort Myers, Florida 33907
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3001 Tamiami Trail North, Suite 205
Naples, Florida 34103
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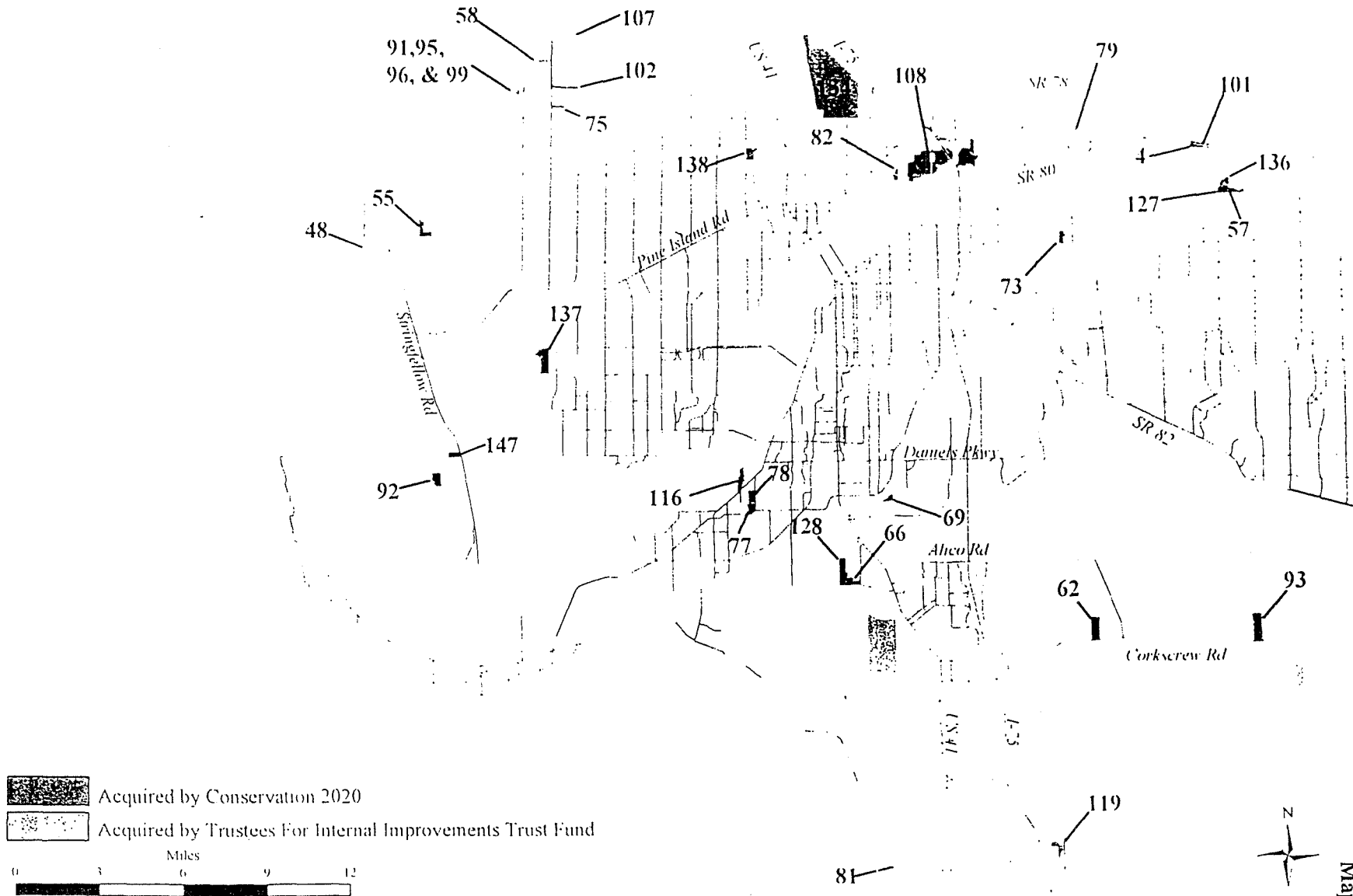
Renaissance
Proposed FLUM

Sources: Lee County

File Name: XXXX.apr

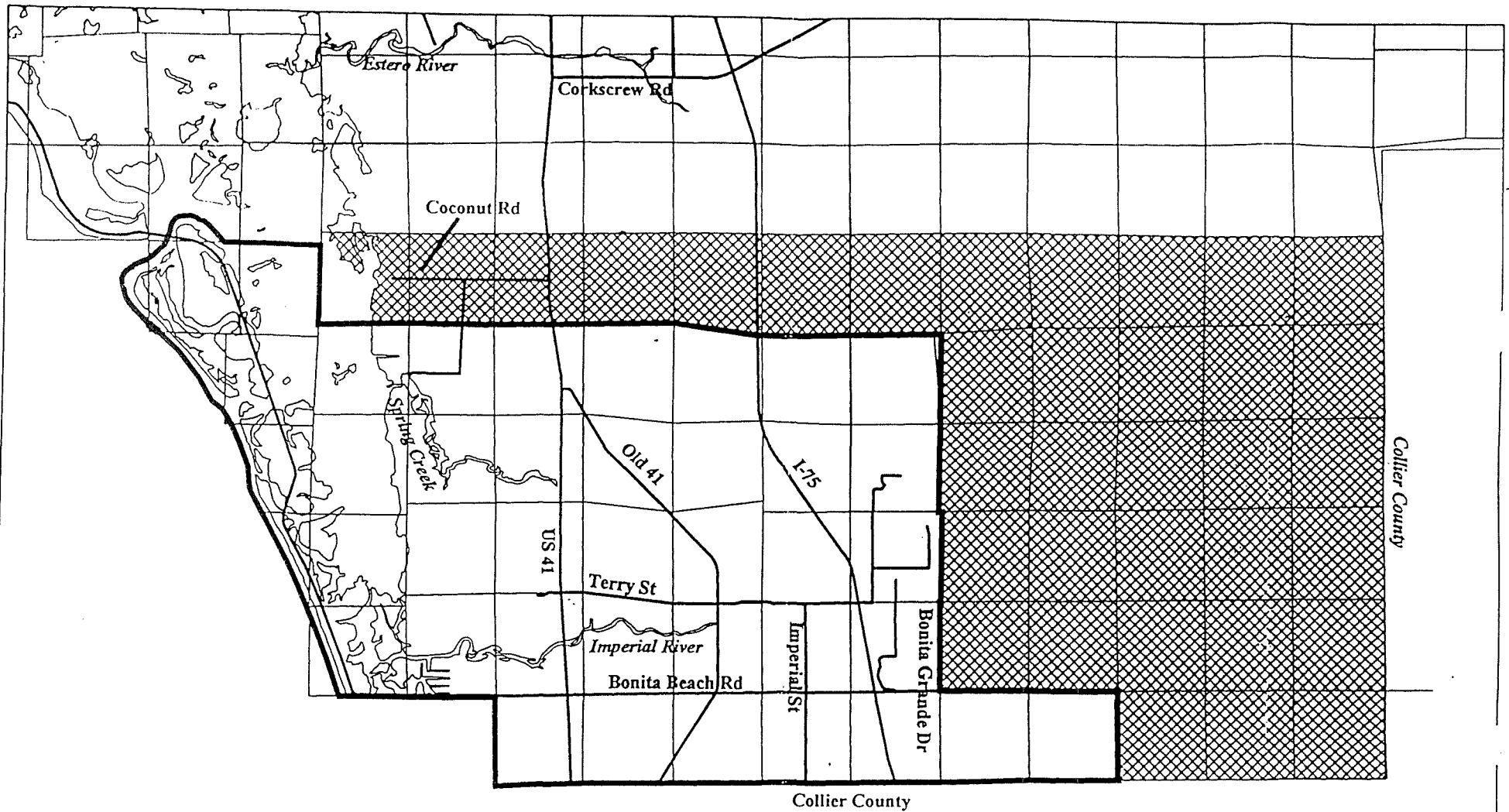
Lee Plan Amendment CPA 2000-09



Areas proposed for inclusion in Conservation Lands



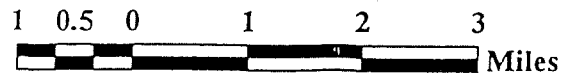
ATTACHMENT 1

IRRIGATION WELL OVERLAY



-  Irrigation Well Overlay
-  Incorporated Bonita Springs

Note: This overlay refers to Lee Plan Policy 1.7.9



CPA2000-17

Map 6



Proposed Lee Plan Map

**Lee County Proposed Plan Amendments
SWFRPC Notification Protocol, 18Sep01**

Agenda Item 3(b)1
Attachment IV

Receiving Jurisdictions

Possible	Mandatory
<u>Related State Agencies</u>	
X Forestry/Ag.	County adopted>
Environmental Protection	X
X F&W Cons.Comm.	County adopted>
X Dept.of State	All adopted>
Transportation - District 1	X

Related Regional Agencies

South Florida Water Mgt. District	X
SW Florida Water Mgt. District	—
Adjoining Regional Planning Councils:	
__Central Florida	__Tampa Bay
__South Florida	__Treasure Coast
National Estuary Programs:	
X Charlotte Harbor	__Sarasota Bay
__Tampa Bay (20 sq.mi.in N.Sarasota Co.)	
__Peace River/Manasota Water Supply Authority	
__Port LaBelle Community Development Dist.(2 counties)	
Tribes: __Miccosukee	__Seminole
X West Coast Inland Navigation Dist.(3 counties)	

<u>Factors of Regional Significance</u>		
Location	Magnitude	Character
urban boundary		coast hi haz./shoreline
urban boundary		coast hi haz./shoreline
		historic resources
district boundary		
district boundary		
<2 miles	>80% DRI	jurisdiction-wide
watershed		consistency criteria
4 counties	>80% DRI	
<2 miles		
<2 miles	>80% DRI	jurisdiction-wide
Intracoastal Waterway		beaches & boating

Possible Related Local Govts. within SWFRPC

X Charlotte County
X Metro Planning Org.(transportation)
__Englewood Water Mgt. District
__School Board
__City of Punta Gorda
__Collier County
__Metro Planning Org.(transportation)
__Independent Fire Districts (1 of 6)
__School Board
__Everglades City
__City of Marco Island
__City of Naples
__Big Cypress Basin Board
__Glades County
__School Board
__City of Moore Haven
__Hendry County
__Hospital District
__School Board
__City of Clewiston
__City of LaBelle

<2 miles >80% DRI jurisdiction/function

Lee County
X Metro Planning Org.(transportation)
__Port Authority
__Independent Fire District
X School Board
__Independent Service District
X City of Bonita Springs
X City of Cape Coral
X City of Fort Myers
X Town of Ft. Myers Beach
X City of Sanibel
__Sarasota County
__Metro Planning Org.(transportation)
__Hospital District
__School Board
__Town of Longboat Key
__City of North Port
__City of Sarasota
__City of Venice

Possible Related Counties in Adjoining RPCs

__Manatee	__DeSoto	__Highlands
__Monroe	__Dade	__Broward
		__Palm Beach

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Estero Bay board opposes owners' bid to double site density

By Pamela Smith Hayford, phayford@news-press.com

A proposal to double the homes allowed on 60 acres near Estero Bay hit opposition among members of the Estero Bay Agency on Bay Management on Monday.

The agency — created from a lawsuit over permitting for Florida Gulf Coast University — is an advisory board that looks out for the health of the bay.

Owners of the so-called Estero Bay 60 development said, through a trustee, they want to double density on the land, then sell to a developer.

If the density doubles, an owner could build 120 homes with 120 septic tanks, or perhaps 120 villas clustered with sewage utility hookups at the end of Pine Road off U.S. 41.

Agency members, who range from environmentalists to developers, said doubling the density could cause significant harm to the Estero Bay and its watershed.

"We would like for that land to be acquired, not developed," said Jim Beever, chairman of the agency.

Members said the land, which borders Estero Bay Buffer Preserve, was too valuable to the environment and development could harm the already degraded Estero Bay.

About 48 of the 60 acres are uplands, where gopher tortoises live in some 23 active burrows.

Trustee Andy DeSalvo said the land isn't as pristine as the agency says — and besides, he said, the owners already approached the state about putting it in public hands two years ago.

"We asked the state before we started the process, and they said no," DeSalvo said.

Despite meeting with DeSalvo and a planner who promised proper water management to reduce pollution, the Estero agency finalized a letter Monday asking the state to reject the double density request.

The density request requires a change to the Lee County Comprehensive Plan — the master plan that guides development.

The plan isn't supposed to be changed easily. That's why amendments must be approved by the state.

Lee County commissioners gave their approval, despite objections from staff.

The land owners are required to provide data and analysis that justifies change, said Lee County Planning Director Paul O'Connor.

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Fall 2001

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"My staff couldn't see it," O'Connor said.

Now the proposal must go before the Florida Department of Community Affairs in November.

"It seems to me that we should make a better argument for changing a comprehensive plan than making money for the land owner," said Win Everham, agency member and chairman of ecological studies at Florida Gulf Coast University.

DeSalvo said his clients told him they wanted to proceed with the comprehensive plan amendment, then put the land on the market.

"My obligation is to do what they've asked me to do," DeSalvo said. He did not name the owners.

DeSalvo said he and his clients are not pursuing the density to get more money from a county or state land-buying program, but to raise its marketability.

The land was last assessed by the county property appraiser's office at \$453,470.

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SMITH

now shifts from the pacesetters to other

businesses and organizations in Lee County. Businesses will start their campaigns and public service messages will be pasted on billboards to raise public awareness.

The money will be distributed to 52 agencies in Lee County and touch the lives of an estimated 230,000 people.

Pacesetters are companies that are strong supporters of United Way. Their campaigns start earlier than the general campaign and their results are used to inspire others. Publix employees in Lee County lifted the company to a record donation of \$618,000 this year.

See UNITED WAY / 2B

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phayford@news-press.com

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The News-Press

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CORRECTION

The USO show put on by the auxiliary of American Legion Post 351 will be 7 p.m. Friday. The date and auxiliary name was wrong in Veterans Notes in Sunday's local section.

GET INVOLVED

■ **VOLUNTEER:** Hope Hospice will have a volunteer training class from 6 to 9:30 p.m. today, Wednesday and Thursday at 9470 HealthPark Circle in Fort Myers. Call Joe Pardi at 489-9180.

CONCERT OFF

■ **REFUNDS AVAILABLE:** The Saturday concert featuring Tricia Yearwood, Trace Adkins and Ty Herndon may be rescheduled. Refunds are available by calling the Lee Civic Center's box office at 543-7469. Call Linda Nelson, Hope Hospice Community Services director, for details at 489-9159.

FOR A GOOD CAUSE

■ **FOOD DRIVE:** The Nations Association will kick off its annual food drive at 10 a.m. Wednesday in anticipation of the holidays. Food will be accepted through Dec. 25 at the association at 3645 Dr. Martin Luther King Jr. Blvd. and at Perkins Restaurants and Long John Silver Seafood Shoppes in Lee County. Donations also will be accepted through the week before Thanksgiving at a refrigerated trailer next to the Farmer's Market Restaurant, 2736 Edison Ave., Fort Myers. Call 332-7575.

NEIGHBORHOOD NEWS

■ **WATER SHUT-OFF:** Water service may be affected south of Cape Coral Parkway around the Tudor Drive area from 7 to 9 a.m. Wednesday while crews install a new utility line. Residents in the Tudor Drive area could be affected for up to two hours. The utility work is being done as part of the Cape Coral Parkway road widening project.

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October 5, 2001

Bernard Piawah, Planning Manager
Department of Community Affairs
Division of Research, Planning, and Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399

THE CONSERVANCY Of Southwest Florida

1450 Merrihue Drive • Naples, Florida 34102
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www.conservancy.org

Lee Co. 01-1

Dear Mr. Piawah,

Re: Lee County Comprehensive Plan Amendment PAM 98-06

The Conservancy of Southwest Florida is writing to the Department of Community Affairs (DCA) to express our concerns with Lee County's recently approved Comprehensive Plan Amendment PAM 98-06, which has been sent to you for review. This amendment would effectively double the allowable density of a 60.324-acre parcel within the Estero Bay Watershed. The subject was placed within the boundaries of the Estero Bay Aquatic Preserve Buffer Florida Forever project because of its ecological significance.

The Conservancy is a 501(c)(3) non-profit environmental organization. The Conservancy works to ensure the continual protection and viability of the ecologically valuable and unique natural areas of Southwest Florida for present and future generations. Our mission is to "lead the challenge to protect and sustain Southwest Florida's natural environment." The approval of PAM 98-06 is not consistent with our mission.

Our greatest concern is with the location of the Estero 60 parcel. It is bordered on two sides by the State-owned Estero River Scrub parcel, which is part of the Estero Bay State Buffer Preserve. Through sound science and proper planning the parcel was designated rural in the Lee County Comprehensive Plan, or Lee Plan. The Lee Plan should be followed whenever possible to ensure the vitality of Lee County. The current land use category of rural for this parcel allows the density in the region to gradually increase from the preserved land on the west to areas of greater density to the east. Amending the Lee Plan to change the Estero 60 land use category to outlying suburban is not conducive with the protected lands that border the site on two sides.

This historically significant Estero Bay became the State's first Aquatic Preserve in 1966. Estero Bay also receives increased protection through its designation as an Outstanding Florida Water. The majority of the subject parcel consists of high quality scrubby pine flatwoods along with 8 acres of wetlands that form a slough system, which is valuable to stormwater conveyance and storage capacity for the area. A portion of the property lies within the designated Category 1 storm surge zone and would serve as a valuable buffer to more inland development if a storm hit the Estero Bay region.

The subject property contains valuable wildlife habitat for many species. The land contains potential habitat for 20 Lee County listed species, including the Florida panther and Florida black bear. Twenty-nine active gopher tortoise burrows have been observed on the property.



THE CONSERVANCY Of Southwest Florida

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941.262.0304 • Fax 941.262.0672

www.conservancy.org

The Conservancy of Southwest Florida is in its 38th year leading the challenge to protect and sustain Southwest Florida's natural environment. On behalf of our 5,800 member families, over 700 volunteers, and 32-member Board of Directors, I urge the DCA to follow the detailed opinion of Lee County staff and reject Lee County Comprehensive Plan Amendment PAM 98-06. The applicant has not justified the need for this increase or density or proven that the increase will not cause harm to the area's environment. The subject property has been recognized for its ecological significance to the region. We feel that doubling the density on such a piece of property could cause significant harm to the Estero Bay and its watershed. As we lead the challenge to protect and sustain Southwest Florida's natural environment, The Conservancy of Southwest Florida feels rejection of this Amendment would protect a valuable piece of the Estero Bay Aquatic Preserve Buffer Florida Forever. If you have any questions regarding our position, please contact Matt Bixler, our Lee County Environmental Policy Specialist, at (941) 275-0330.

Sincerely,

Kathy Prosser
President and CEO

LOCAL PLANNING AGENCY AGENDA

Monday, June 4, 2001

Community Development/Public Works
The meeting will commence at 8:30 a.m.

AGENDA

1. **Call to Order; Certification of Affidavit of Publication**
2. **Public Forum**
3. **Approval of Minutes from April 23, 2001 LPA Meeting**
4. **Review of the proposed FY 2001/2002 – 2005/2006 Capital Improvements Program**
5. **Review and Consideration of Proposed Lee Plan Amendments:**
 - a. **PAM 98-06 -Amend the Future Land Use Map series for an approximate 51 acre parcel of land located in Section 20, Township 46 South, Range 25 East, generally located beyond the end of Pine Road, north of Broadway, west of U. S. 41, to change the classification shown on Map 1, the Future Land Use Map, from “Rural” to “Outlying Suburban.”**
 - b. **CPA2000-02 - Amend Map 12 of the Future Land Use Map series by deleting the Boca Grande Pass Marina from the Water Dependent Overlay Zone, and Amend Goal 15 of the Future Land Use Element by adding the following Objective and Policy:**

Objective 15.5: Port Facility. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road.

Policy 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District.
 - c. **CPA2000-13 - Amend the Future Land Use Element by adding a Policy to Goal 16, Private Recreational Facilities in the DR/GR, specifying minimum indigenous preserve area requirements.**
6. **Other Business**
7. **Adjournment**

BEN CHUMLEY
PLANNING

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

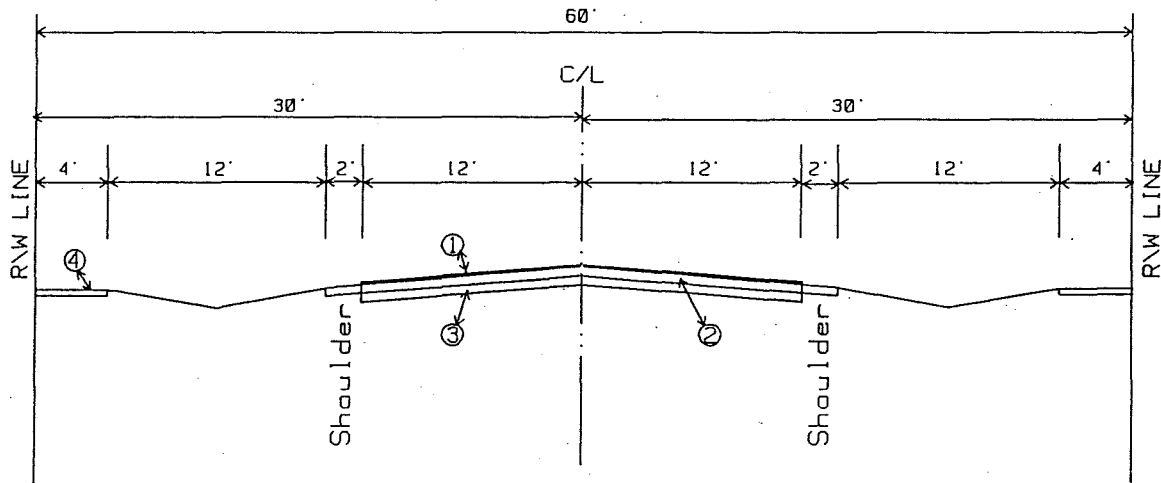
Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8585 Extension 5910.

PO# 900565

(d) The following illustration applies to publicly maintained local streets with open drainage and on-road bikeways, with a volume of less than 800 vehicles per day:

**PUBLICLY MAINTAINED LOCAL STREET WITH OPEN DRAINAGE AND
ON-ROAD BIKEWAYS - VOLUME LESS THAN 800 VEHICLES PER DAY**



CATEGORY B & C

1. 1½" Type S III asphalt concrete
2. 6" Base
3. 6" Stabilized subgrade
4. Sidewalk - one side only

CATEGORY A

- 1½" Type S-III asphalt concrete
- 8" Base
- 12" Stabilized subgrade
- Sidewalk - one side only

Notes:

- (1) A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

Category

Minimum Specifications

- A (a) *Arterial streets.* Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway width. Typical median width and representative cross sections are shown as in section 10-707.
- A B C D (b) *Collector streets.* Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway widths. See sections 10-707 and 10-708.
- A B C D (c) *Local streets.*
1. *Publicly maintained streets.* Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway widths. See section 10-709.
 2. *Privately maintained streets.*
 - a. 14-foot pavement for one-way traffic with swale drainage or valley gutter drainage, or 16-foot pavements for one-way traffic with curb and gutter drainage.
 - b. 24-foot pavements for two-way traffic with swale drainage, valley gutter drainage or curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs).
 - c. 20-foot pavements for two-way traffic with swale drainage or valley gutter drainage, or 24-foot pavement with curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs). See section 10-710.
 - d. Access streets.
 - i. 22-foot pavements. See section 10-711.
 - ii. 20-foot pavement. See section 10-711.

Note: Typical street cross sections are shown in sections 10-707 through 10-711.

- A B C D (3) *Curb and gutter type B, F, and drop or shoulder (valley).* See FDOT Roadway and Traffic Design Standards, current edition.
- A B C D (4) *Roadside swales.* Roadside swales may be used in excessively drained and somewhat excessively drained to moderately well-drained soils, except where closed drainage is required by the director of development services. (Refer to section 10-720.)

Roadside swales within street rights-of-way must have side slopes no steeper than three horizontal to one vertical. Normal swale sections must be a minimum of 12 inches deep.

Where run-off is accumulated or carried in roadway swales and flow velocities in excess of two feet per second are anticipated, closed drainage or other erosion control measures must be provided.

The director of development services may grant deviations from these requirements under the provisions of section 10-104. However, no violations of SFWMD requirements or any other regulatory requirements may occur through the granting of any such deviations.

(5) *Subgrade.*

- A B C D (a) *Arterial and collector streets.* Twelve-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.
- (b) *Local and access streets.*

¹Refer to AASHTO Green Book and FDOT MUMS for specific design criteria.

²Minimum right-of-way widths for new roads in developing areas and desirable right-of-way widths for improvements in developed area. Whenever the official trafficways map specifies right-of-way width, those widths shall apply.

³This standard applies to frontage streets. The local street standard shall apply to all other access streets, including reverse frontage streets.

TABLE 3. SPECIFICATIONS FOR PRIVATELY MAINTAINED STREETS

	Local Street	Access Street
Minimum right-of-way/easement widths:		
One-way:		
Closed drainage, rear lot drainage or inverted crown	30'	30'
Open drainage	40'	35' ^a
Two-way:		
Closed drainage or inverted crown	35'	35'
Open drainage	45'	40' ^a
Minimum distance between reverse curves	N/A	N/A
Minimum centerline radius for horizontal curves	50' ^b	50' ^b
Minimum grade of streets with:		
Closed drainage	0.2%	0.2%
Inverted crown	0.4%	0.4%
Open drainage	0.0%	0.0%

^aThis standard applies to frontage streets. The local street standard shall apply to all other access streets, including reverse frontage roads.

^bIf the centerline radius is less than 100 feet, the inside lane width shall be increased by two feet at the center of the curve.

(c) *Street and bridge design and construction standards.* All street and bridge improvements shall comply with the standards and specifications listed in table 4, pertaining to minimum specifications for street improvements, and section 10-706, pertaining to minimum specifications for bridge improvements, for the applicable development category.

(d) *Street and bridge development categories.* For purposes of interpreting the specifications contained in table 4 and section 10-706, development categories are defined as follows:

- (1) Category A shall include commercial and industrial developments and all developments not described in categories B, C and D.
- ✓ (2) Category B shall include residential developments of five or more dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway or street system is not attainable.
- ✓ (3) Category C shall include residential developments of more than 0.40 but less than five dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway or street system is not attainable.
- (4) Category D shall include residential development of 0.4 or less dwelling units per acre, and all residential developments, regardless of size, located on islands where direct vehicular access to the mainland by bridge, causeway or street system is not attainable.

TABLE 4. MINIMUM SPECIFICATIONS FOR STREET IMPROVEMENTS

Category	Minimum Specifications
A B C D	(1) <i>Grading and centerline gradients.</i> Per plans and profiles approved by the director of development services.
A B C D	(2) <i>Pavement widths.</i>

<i>Category</i>	<i>Minimum Specifications</i>
A	1. 12-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.
B C D	2. Six-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.
(6) <i>Pavement base.</i>	
A B C D	(a) <i>Arterial and collector streets.</i> Eight-inch minimum compacted limerock.
	(b) <i>Local and access streets.</i>
A	1. Eight-inch compacted limerock.
B C	2. Six-inch compacted limerock.
D	3. Six-inch compacted limerock, shell, or soil cement.
Any deviation from these standards must meet the specifications established by FDOT standards.	
(7) <i>Wearing surface.</i>	
	(a) <i>Arterial streets.</i> Two-and-one-half-inch asphaltic concrete of FDOT type S-1. A skid-resistant surface typically one inch of S-III in conformance with the provisions of section 331, FDOT specifications, is required for the surface course. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.
	(b) <i>Collector streets.</i>
A	1. One-and-one-quarter-inch asphaltic concrete of FDOT type S-1 plus one inch of S-III. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.
B C D	2. One-and-one-half-inch asphaltic concrete of FDOT type S-III. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.
	(c) <i>Local and access streets.</i>
A	1. One-and-one-half-inch asphaltic concrete of FDOT type S-III.*
B C	2. For roads to be publicly maintained, one-and-one-half-inch asphaltic concrete of FDOT type S-III*. The applicant may install two three-quarter-inch-thick courses of asphalt concrete with the second course to be placed after substantial build-out of the development. An assurance of completion is required for the second course of asphalt. This provision is subject to the approval of the director of development services in consultation with the director of the department of transportation.
For roads to be privately maintained, one-inch asphaltic concrete of FDOT type S-III is acceptable.	
D	3. Not required.
*However, the applicant may submit a request for an Administrative Deviation in accordance with section 10-104(a)(5) for an alternative design, including but not limited to Portland cement concrete, for public or private streets. The design will be subject to structural analysis for comparison with asphaltic concrete.	
A B C D	(8) <i>Grassing and mulching.</i> Prior to the acceptance of the streets or the release of the security, the developer will be responsible for ensuring that all swales, parkways, medians, percolation areas and planting strips are sodded, seeded or planted and mulched in accordance with section 570 of the FDOT standard specifications.

Category

Minimum Specifications

- A B C D (9) *Street name and regulatory signs.* Street name and regulatory signs will be installed by the developer at all intersections and on the streets in the development prior to the acceptance of the streets or the release of the security.

Regulatory signs will not be required at parking lot entrances for parking lots containing less than 25 parking spaces.

- A (10) *Street lighting.* Street lighting may be installed at the developer's option and expense. Where street lighting is to be provided, the streetlight improvements must be maintained and operated through a covenant which runs with the land in the form of deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the service that the street lighting will be continually operated and maintained. Regardless of the method chosen to provide for the continual maintenance and operation of the streetlights, the beneficiaries of the service must be provided with a legal right to enforce the assurance that the lighting will be continually operated and maintained. The legal documents which provide for the continual maintenance and operation of the lighting may only be accepted after they are reviewed and approved by the county attorney's office for compliance with this section. In the alternative, the board may satisfy this requirement by establishing a street lighting municipal service taxing or benefit unit which includes operation and maintenance of the streetlights.

- (11) *Street and intersection improvements; traffic control devices.*

- A B C D (a) All streets and intersections within a development must operate at service level C or higher. The developer must design and construct such traffic control devices and acceleration, deceleration, turning or additional lanes, referred to in this subsection as traffic improvements, as may be needed to bring the level of service up to service level C.

- A B C D (b) Traffic control devices and acceleration, deceleration, turning and additional lanes must be indicated on the development plan. These traffic control devices must be designed and shown on the development plans as per MUTCD standards. Additional lane and turn lanes must be as indicated by the Manual of Uniform Traffic Standards for Design, Construction, and Maintenance of Streets and Highways adopted by F.S. § 335.075, and sound engineering practice, for state facilities. For streets in the county, turn lanes must be as indicated in the county administrative code, the turn lane policy and sound engineering practice.

- (c) Traffic control devices installed in accord with Table 9-4-11b may be mounted on a nonstandard type of support system as described in the Traffic Control Devices Handbook (FHWA publication), provided that mounting height, location standards and all other standards as described in sections 2A-24 through 2A-27 of the MUTCD may not be compromised, and all such supports must be of break away design. The sign support system may not provide borders around the sign that have the effect of changing the required shape, message, or border area of the sign. An enforceable agreement providing for maintenance and upkeep of such signs by the installer must be provided to the county department of transportation. This agreement must include the name, address and phone number of a contact person who will represent the installing party.

- A B C D (12) *Underdrains.* Underdrains may be required on both sides of streets if, in the opinion of the director of development review, soils data indicate that such drains would be necessary. In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains or fill or some other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required. The determination of need will be made by reference to the applicable portions of the most recent edition of the Soil Survey for Lee County, Florida, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, or according to information generated by the developer's engineer. See section 10-712 for suggested underdrain details.

- (a) Wherever road construction or lot development is planned in areas having soil types with unacceptable water table characteristics, underdrains or fill must be provided and shown on the engineering plans. Underdrains must be designed with outlets at carefully selected discharge points. Erosion control measures must be provided as needed at all discharge points.

Category

Minimum Specifications

- (b) Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road surface to water table relationship that adversely exceeds the degree of limitation stated above, underdrains or other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required.

A B C D (13) *Road shoulders.* Stabilized roadway shoulders or paved roadway shoulders must be provided as shown on the typical roadway cross section diagrams in article V of this chapter.

(e) *Conformance with state standards.* All construction materials, methods and equipment shall conform to the requirements of the FDOT Standard Specifications for Road and Bridge Construction, current edition, and such other editions, amendments or supplements as may be adopted by the FDOT.

(f) *Dedication of right-of-way and completion of improvements.* Prior to acceptance of the streets or the release of security, the developer shall dedicate such rights-of-way and complete such improvements, or provide funds for the completion or installation of such improvements in conformance with the standards and specifications of this chapter.

(g) *Horizontal curve for changes in direction.* Horizontal curves shall be used for all changes in direction greater than ten degrees.

(h) *Existing nonconforming access routes.* Existing nonconforming access routes to new proposed subdivisions shall be permitted upon approval of a variance or a planned development deviation.

(i) *State roads.* Streets which are designated as state roads shall be required to meet all additional state department of transportation requirements.

(j) *Intersection design.* Streets shall be designed to intersect as nearly as possible at right angles. Multiple intersections involving the juncture of more than two streets shall be prohibited. A minimum sight distance of 200 feet from every intersection shall be maintained on all intersecting streets. This requirement shall not be construed to increase the minimum allowable intersection separation of 125 feet.

- (1) The angle of intersection of intersecting streets shall be in accordance with the requirements of table 5.

TABLE 5. ANGLE OF INTERSECTION

Street Type	Intersecting Street Type	Angle	
		Minimum	Maximum
Local or access	Local or access	75	105
	Collector	80	100
	Arterial	85	95
Collector	Collector	85	95
	Arterial	85	95
Arterial	Arterial	85	95

- (2) The inside edge of the pavement at street intersections shall be rounded with a minimum radius as shown in table 6.

TABLE 6. MINIMUM EDGE OF PAVEMENT RADIUS AT INTERSECTING STREETS

Street Type	Intersecting Street Type	Minimum Radius (feet)	
		Residential	Commercial/Industrial
Local	Local	25	30
	Collector	30	35
	Arterial	40	45
Collector	Collector	40	50
	Arterial	50	60
Arterial	Arterial	50	60

These values apply to a street type having two lanes without a median. Whenever the street type is divided by a median, the minimum pavement width shall be 14 feet on each side of the median and the edge of pavement radius shall be determined by a special study using a B-40 vehicle that negotiates the turn without encroaching on the median.

Greater radii may be required where school buses will be routed or if an engineering study determines that traffic conditions warrant a larger radius.

- (3) The property line radius shall follow the curvature of the inside edge of pavement and be offset a minimum distance equivalent to the pavement/property line offset used on the roadway design section.

(k) *Culs-de-sac.*

- (1) Dead-end streets, designed to be so permanently, must be closed at one end by a circular turnaround for vehicles and constructed according to the following standards:
 - a. Diameter of pavement to inside edge of curb or edge of pavement must be a minimum of 90 feet outside diameter, and a maximum of 45 feet inside diameter.
 - b. Diameter of right-of-way for curb and gutter section: 110 feet.
 - c. The diameter of right-of-way for ditch and swale drainage must be a minimum of 130 feet.
- (2) The island in the center of the circular turnaround may be paved solid, kept unpaved to preserve existing vegetation, or enhanced with additional vegetation, provided that vegetation does not cause a visual obstruction between 2½ feet and seven feet in height above grade, and provided further that proper maintenance agreements have been filed with the board.
- (3) The transition from the cul-de-sac pavement to the regular approaching pavement width must be as shown in section 10-714.
- (4) On all roads to be maintained by and dedicated to the county, the length of a cul-de-sac must be 500 feet or less. This length may be extended to a maximum length of 1,000 feet for single-family residential development only. The length of the dead-end street with cul-de-sac will be

measured along the centerline of the pavement from the centerline of the nearest lane of the intersecting street to the center point of the cul-de-sac. This subsection does not apply to privately maintained roads.

- (5) All streets ending in culs-de-sac that are over 250 feet long must have a standard "No Outlet" traffic sign installed at the street entrance and paid for by the developer.

(l) *On-road and off-road bikeways.* All county-maintained arterial, collector and local streets must be designed and constructed in accordance with the county administrative code policy relating to on-road and off-road bikeways and associated roadway width.

(m) *Privately maintained accessways.* The following privately maintained accessways are not required to meet the minimum roadway right-of-way widths specified in subsection (b) of this section:

- (1) Parking lot aisles (as defined in chapter 34);
- (2) Parking lot accesses (as defined in chapter 34);
- (3) Driveways (as defined in this chapter); and
- (4) Accessways which meet the following three requirements:
 - a. Provide vehicle access to 50 or fewer multi-family residential units;
 - b. Pavement width meets the dimensional requirements for parking lot aisles at areas of back-out parking; and
 - c. Provide for utility easements in accordance with section 10-355(a)(1) if utilities are to be located in or adjacent to the accessway

(n) *Streets and driveways in wetland areas.* Notwithstanding other provisions of this chapter, new roads or driveways permitted in wetland areas in accordance with Lee Plan policy 25.1.6.



LEE COUNTY

S O U T H W E S T F L O R I D A

DIVISION OF PLANNING FACSIMILE

P.O. Box 398
Fort Myers, FL 33902
(941) 479-8585
Fax: (941) 479 8319

To: EMS: ATTN: DAVID K.	Date: 5/17/01
Fax #: 335-1638	Pages: 4, including this cover sheet.
From: PETER BLACKWELL, DIV. OF PLANNING	
Subject:	

COMMENTS:

MR. K,

I've included the original Request and MR. HANSEN'S REPLY.
THE APPLICANT HAS ASKED TO REDUCE THE REQUESTED DENSITY
FROM 3 UNITS/AC. TO 2 UNITS/AC. THE ACCESS TO THE
PROPERTY WILL BE AN EXTENSION OF PINE RD.
IF YOU HAVE ANY QUESTIONS, MY PHONE # IS 479-8312.

Peter B.

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Mr. Chris Hanson
EMS Program Manager
P.O. Box 398
Fort Myers, FL 33902-0398

RE: 4800 Pine Road, 60± Acres
STRAP No. 20-46-25-01-00009.0000

Dear Mr. Hanson:

Our office is in the process of submitting an application to Lee County to amend the Lee County Future Land Use Map for the above referenced property. The existing land use classification is Rural and the proposed classification is Outlying Suburban. The Rural category permits 1.0 dwelling units per acre while the Outlying Suburban permits 3.0 dwelling units per acre.

The application requires that a letter be provided from your agency determining the adequacy of existing or proposed support facilities. Respectfully request your office provide our office with a letter of determination of those existing or proposed facilities. For your convenience, we are enclosing a copy of a Lee County tax map.

If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

Enclosure

F:D60

60 Acres

5 Acres

00009
0060

60' R.W.

00009
0020

00009
0020

00001
0110
2.34
AC

30' FPL easement
30' utility easement

Pine

00009
0000

00010
0000

St. Joseph
Episcopal
Church

OUT
PARCEL

TRACT A

00012
0012

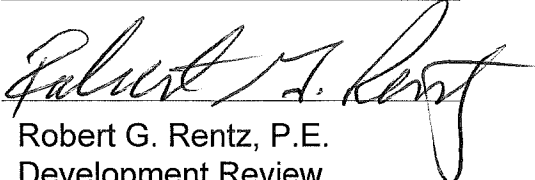
FPL
Easement

ALLIANCE IN

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: May 16, 2001

To: Matt Noble
Division of Planning

FROM: 
Robert G. Rentz, P.E.
Development Review
Engineer

RE: PAM 98-06#2
Estero 60-acre Land Trust

The proposed amendment to the Lee County Land Use Map is to change the land use category from Rural to Outlying Suburban. The change in category would allow the maximum density for residential uses to increase from 1.0 dwelling unit per acre to 2.0 dwelling units per acre which would allow an increase of up to 60 additional residences.

The property is within the franchise area of Gulf Utilities but sewer and water lines have not been extended close to this property. The application indicates that wells and septic tanks will be used for potable water and sewage disposal so there would be no impact on the utility company's water treatment plant or sewage treatment plant.

We would expect a potential increase in the population of about 126 people. There would be a potential increase of 0.43 tons/day of solid waste. The Lee County Waste to Energy Facility has sufficient capacity to handle this potential increase for the foreseeable future.

The more intense development should have no effect on the flooding of evacuation routes if the projects stormwater manage facilities do not block the flow of stormwater towards Estero Bay to the west.

The potential increased population is 126 residents. These residents will require 0.75 acres of regional parks to meet the required level of service (LOS) and 1.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the Year 2004. However, the desired LOS will probably not be met in 2004.



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (941) 334-1102

May 8, 2001

Mr. Peter Blackwell
Lee County Planning Department
P. O. Box 398
Fort Myers, FL 33902

KATHERINE BOREN
CHAIRMAN • DISTRICT 4

TERRI K. WAMPLER
VICE CHAIRMAN • DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

JANE E. KUCKEL, PH.D.
DISTRICT 3

LISA POCKRUS
DISTRICT 5

BRUCE HARTER, PH.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Re: Request for Determination of Adequacy
Proposed Lee Plan Amendment, Estero, Section 20, Township 46 S., Range 25 E.

Dear Pete:

This letter is in response to a request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposed 60 acre existing Rural parcel could contain up to 60 dwelling units at one unit per acre. The proposed amendment to Outlying Suburban would increase the potential density to two units per acre, or 120 units. These units would generate approximately 38 public school students, creating a need for up to 2 new classrooms in the District.

The schools in the South region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be addressed by the applicant.

If you have any further questions or comments, please give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner
Construction Services

cc: Tyler F. Patak, NCARB, Director
Dr. Gay Thompson, Executive Director, Support Services

LEE COUNTY
RECEIVED
01 MAY -8 AM 11:28
CCM. DEV/
PUB. WKS. CNTR.
SECOND FLOOR

Boylan
Environmental
Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments

11000 Metro Parkway, Suite 4, Fort Myers, Florida, 33912 Phone: (941) 418-0671 Fax: (941) 418-0672

LEE COUNTY
RECEIVED

01 APR 11 PM 2:15

COMM. DEV/

PUB. WORKS CNTR
SECOND FLOOR

LETTER OF TRANSMITTAL

To: *Kim Trebatoski*

Phone:

Fax:

Date: *4/11/01*

From: *Jim Keltz*

Project: *Pine Road 60*
PAM 98-06

You will find attached the following:

No. of Copies	Description

These are transmitted as checked:

☐

per your request

☐

for your review and comments

☐

for your review and approval

☐

for your use and records

☐

for you to copy and return

☐

for proposals due by _____

Comments:

- 1. FLUCLS Map with acreages*
- 2. Potential Protected Species Table*

Signed

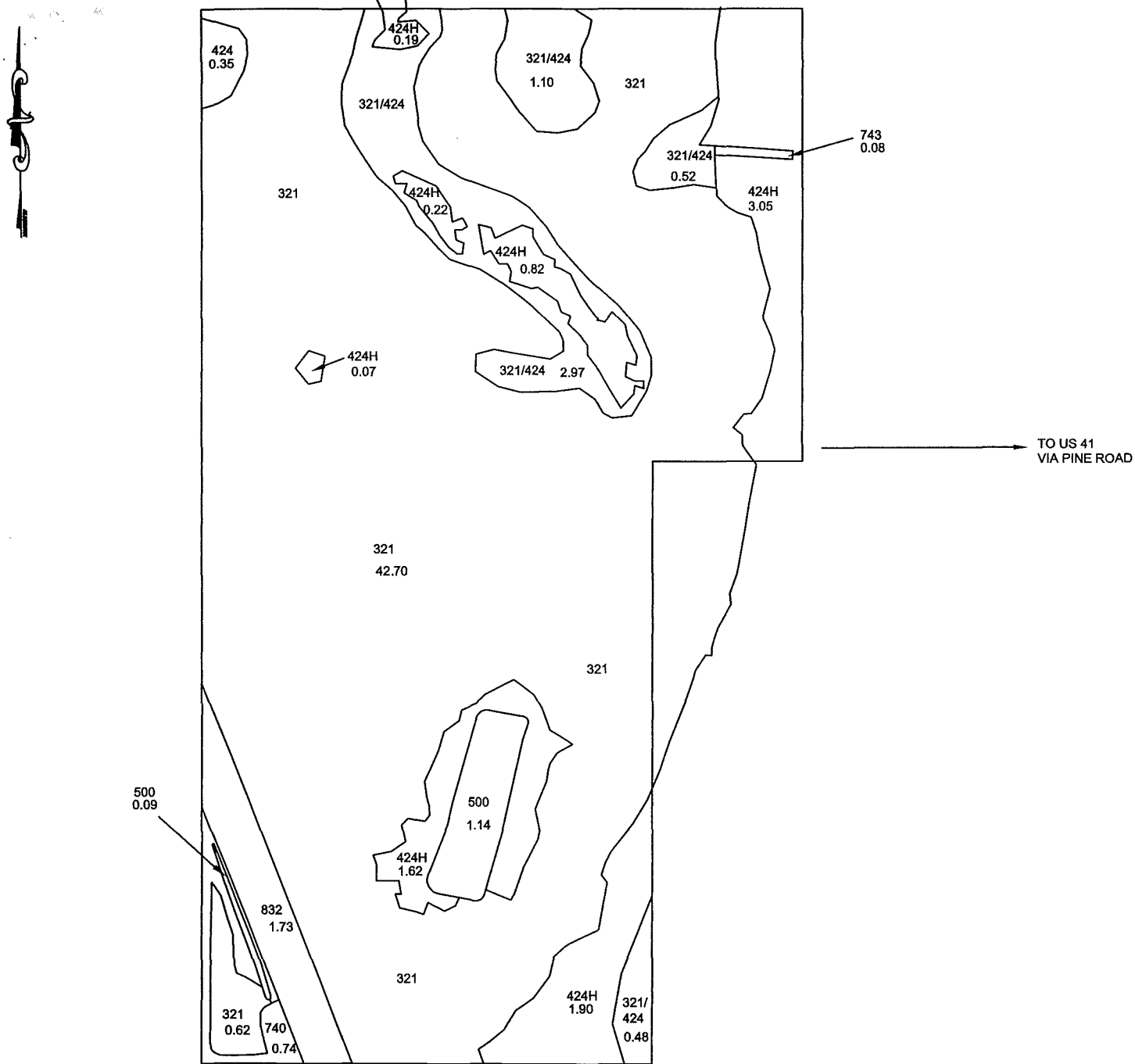
Jim Keltz

Pine Road 60

Wildlife species that could potentially occur on parcel according to FLUCCS communities cross - referenced to Lee County Protected Species List (all species shown are listed by Lee County). See attached FLUCCS map for locations of communities.

Name	Scientific Name	Habitat	State & Fed Status	
			FWC	FWS
Audubon's Crested Caracara	<i>Polyborus plancus carcara</i>	321 & 321/424	T	T
Beautiful Pawpaw	<i>Deeringothamnus pulchellus</i>	321 & 321/424	E	E
Burrowing Owl	<i>Speotyto cunicularia</i>	321 & 321/424	SSC	No listing
Curtis Milkweed	<i>Asclepias curtissii</i>	321 & 321/424	E	No listing
Fakahatchee Burmannia	<i>Burmannia flava</i>	321 & 321/424	E	No listing
Florida Black Bear	<i>Ursus americanus floridanus</i>	321 & 321/424	T	No listing
Florida Coontie	<i>Zamia floridana</i>	321 & 321/424	C	No listing
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	321 & 321/424	T	No listing
Gopher Frog	<i>Rana areolata</i>	321 & 321/424	SSC	No listing
Gopher Tortoise*	<i>Gopherus polyhemus</i>	321, 321/424, 740, 743, & 832	SSC	No listing
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	321 & 321/424	T	T
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	321 & 321/424	T	No listing
Big Cypress Fox Squirrel	<i>Sciurus niger avicennia</i>	424 & 424H	T	No listing
American Alligator	<i>Alligator mississippiensis</i>	500	SSC	T(S/A)
Everglades Mink	<i>Mustela vison evergladensis</i>	500	T	No listing
Limpkin	<i>Aramus guarana</i>	500	SSC	No listing
Little Blue Heron	<i>Egretta caerulea</i>	500	SSC	No listing
Reddish Egret	<i>Egretta rufescens</i>	500	SSC	No listing
Roseate Spoonbill	<i>Ajaia ajaja</i>	500	SSC	No listing
Snowy Egret	<i>Egretta thula</i>	500	SSC	No listing
Tricolored Heron	<i>Egretta tricolor</i>	500	SSC	No listing

- * Gopher Tortoise Burrow Observed
 E = Endangered
 T = Threatened
 T(S/A) = Threatened / Similarity of Appearance
 SSC = Species of Special Concern
 C = Commercially Exploited



		APPROX. ACREAGE
321	SAW PALMETTO	43.32
321/424	SAW PALMETTO - DOG HAIR MELALEUCA	5.07
424	MELALEUCA	0.35
424H*	MELALEUCA WETLANDS	7.80
500	OTHER SURFACE WATER	1.23
740	DISTURBED AREAS	0.74
743	BERM	0.08
832	FPL EASEMENT	1.73
		<hr/>
		60.32 ACRES

WETLAND LINES BASED ON GPS:
 +/- 15' IN ISOLATED MELALEUCA "HOLES"
 +/- 30' ALONG EASTERN MELALEUCA FLOWWAY
 DUE TO HEAVY CANOPY

Q. GRADY MINOR & ASSOCIATES, P.A.Civil Engineers ■ Land Surveyors ■ Planners

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MICHAEL J. DELATE, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

April 10, 2001

Mr. Peter Blackwell
Lee County Division of Planning
P.O. Box 398
Fort Myers, Fl 33902-0398

Re: Estero 60 Acre Plan Amendment

Dear Mr. Blackwell:

Earlier today, you asked that we provide you with written authorization to enter the subject site in order to perform a site inspection in conjunction with the staff review of the Plan amendment. We have no objection to the site visit and with this letter authorize you and/or Lee County Environmental staff to enter the property.

Either our environmental consultant, Boylan Environmental, or I would be pleased to meet you at the site if necessary. Please feel free to contact either Ms. Boylan or me if you need any additional information.

Sincerely,



D. Wayne Arnold, AICP

C: Andy DeSalvo

C:\My Documents\Estero 60 Acre Plan Amendment\site visit.doc

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners
3800 Via Del Rey
Bonita Springs, Florida 34134
(941) 947-1144 ■ Fax (941) 947-0375

FAX TRANSMITTAL

DATE: 4/6/01

TO: Peter Blackwell

FROM: Q. Grady Minor

RE:

**WE ARE FAXING YOU
THE FOLLOWING ITEMS:** Deed

COMMENTS:

OF PAGES (INCLUDING THIS SHEET): 2

ORIGINAL: _____ **WILL FOLLOW VIA U.S. MAIL**

_____~~X~~_____ **WILL NOT BE SENT**

IF YOU DO NOT RECEIVE ALL PAGES AS INDICATED, PLEASE NOTIFY US AT (941) 947-1144. THANK YOU.

3572-10 - does

4481863

This Document Prepared By and Return to:
RALPH A. RICHARDSON
 Attorney at Law
 27725 Old 41 Road, Ste. 104
 Bonita Springs, FL 34135

Parcel ID Number: 20-46-25-01-00009.0000 WOL
 Grantor #1 TIN:
 Grantor #2 TIN:

Personal Representative's Deed

This Indenture, is made this 24 th day of September, 1998, by and between
PAUL F. SMITH, individually, a single person, and

as Personal Representative of the Estate of **MABEL T. STEPHENS**, a/k/a **MABEL STEPHENS**, deceased, Grantor, and
A. P. DeSALVO, as Trustee a/k/a **MABEL T. STEVENS**

whose post office address is: 3960 Via Del Ray, Bonita Springs, Florida 34134

of the County of Lee State of Florida, Grantee.
 Witnesseth: Grantor, pursuant to Order Authorizing Sale dated August 27th, 1998, and in consideration of the sum
 of One Dollar (\$1.00) paid to Grantee by Grantee, receipt of which is acknowledged, grants, bargains and sells to Grantee, and Grantee's heirs,
 successors and assigns forever, the real property in Lee County, Florida, described as:

Lots 6 - 11, of that certain subdivision known as **SAN CARLOS GROVE TRACT**, according to the map or plat thereof on file and recorded in
 the office of the Clerk of the Circuit Court in Plat Book 4, page 75,
 public records of Lee County, Florida.

Subject to restrictions, reservations and easements of record, if
 any, and taxes subsequent to 1997.

RECORDED BY
 JOANNE MILLER, D.C.

Documentary Tax Pd. 3572
 Intangible Tax Pd.
 CHARLIE GREEN, CLERK, LEE COUNTY
 Deputy Clerk

CHARLIE GREEN, CLERK
 LEE COUNTY, FL

OCT -2 PM 3:19

Together with all and singular the increments, improvements, and appurtenances belonging or in anywise appertaining to the real property.
 To Have And To Hold the same to Grantee, and Grantee's heirs, successors and assigns, in fee simple forever.
 And Grantor does covenant to and with the Grantee, and Grantee's heirs, successors and assigns, that on all things preliminary to and in and about
 this conveyance, Order Authorizing Sale dated August 27th, 1998, and the laws of the State of Florida have been
 followed and complied with in all respects.
 In Witness Whereof, the undersigned, as personal representative of the estate of said decedent, has executed this instrument under seal on
 the date aforesaid.

Signed, sealed and delivered in our presence:

Ralph A. Richardson
 Printed Name: **Ralph A. Richardson**
 Witness

Terralia L. Houston
 Printed Name: **Terralia L. Houston**
 Witness

STATE OF Florida
 COUNTY OF Lee

The foregoing instrument was acknowledged before me this 24th day of September, 1998 by
PAUL F. SMITH

as personal representative of the estate of **MABEL T. STEPHENS**
 (It is personally known to me or he has produced his

Paul F. Smith (Seal)
PAUL F. SMITH, as Personal Representative
 P.O. Address: POST OFFICE BOX 434
 ESTERO, FLORIDA 33928
Paul F. Smith (Seal)
PAUL F. SMITH, Individually
 P.O. Address: POST OFFICE BOX 434
 ESTERO, FLORIDA 33928

Michael C. Keller
 Notary Public
 My Comm. Exp. 12/31/99
 C.A.N. 1-66-0725

Michael C. Keller
 Printed Name: **Michael C. Keller**
 Notary Public



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FORT MYERS SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901

(941) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (941) 338-2936 • www.sfwmd.gov/org/exo/ftmyers/

March 27, 2001

Mr. Jim Keltner
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Ft. Myers, Florida 33912

Subject: Pine Road 60-Acre Site; Informal Jurisdictional Wetland Inspection;
Lee County, S-20 / T-46-S / R-25-E

Dear Mr. Keltner:

The District offers the following in response to your request for a determination of the jurisdictional wetland boundaries and other surface waters located within the subject property. Craig Schmittler, Environmental Analyst, of the Natural Resource Management Division, conducted a site inspection on March 7, 2001.

The project boundaries shown on the attached aerial identify the approximate limits of the property inspected. Based on the information provided and the results of the site inspection, The jurisdictional wetlands and other surface waters, as defined in Chapter 62-340 F.A.C., within the limits of the subject property are hatched in red on the attached aerial exhibits.

This correspondence is an informal pre-application jurisdictional determination pursuant to Section 373.421(6) and F.A.C. 62-312.040(7). It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding jurisdictional determination may be obtained by submitting an application to the South Florida Water Management District Ft. Myers office for a formal determination pursuant to Chapter 40E-4.042 F.A.C. or by applying for a permit.

GOVERNING BOARD

Michael Collins, *Chairman*
Michael D. Minton, *Vice Chairman*
Mitchell W. Berger

Vera M. Carter
Gerardo B. Fernandez
Patrick J. Gleason

Nicolas J. Gutierrez, Jr.
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Trudi K. Williams

EXECUTIVE OFFICE

Frank R. Finch, P.E., *Executive Director*
James E. Blount, *Chief of Staff*

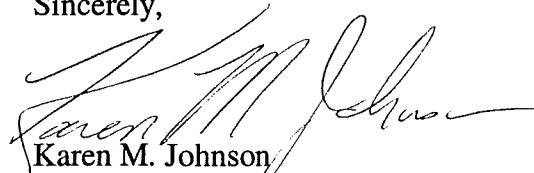
SERVICE CENTER

Chip Merriam, *Director*

Mr. Keltner
Pine Road 60-Acre Site
Page 2

A file has been set up with pre-application materials at the Ft. Myers Service Center office. If you have any further questions please contact Craig Schmittler at (941) 338-2929 ext. 7739.

Sincerely,



Karen M. Johnson
Supervising Professional
Ft. Myers Service Center

KMJ/cds - Attachment (Memo, Location Map, and Aerials)

c: USACOE - Ft. Myers w/ memo, location map, and aerial
DEP- w/ memo, location map

TO: File *CD*
FROM: Craig D. Schmittler, PWS, Environmental Analyst, NRM Division
THROUGH: Karen Johnson, Supervising Professional, NRM Division
DATE: March 19, 2001
SUBJECT: Pine Road 60-Acre Site; Informal Wetland Jurisdictional Inspection;
Lee County, S-20 / T-46-S / R-25-E

A site inspection was conducted on the above referenced property on March 7, 2001. The property inspected encompasses approximately 60 acres and is located approximately 1&1/2 miles west of US 41, at the end of Pine Road in south Ft. Myers. Adjacent property to the east has been developed by single-family residences while adjoining properties to the north, south and west are relatively undeveloped. An FP&L overhead transmission line easement lies west of the site and cuts across the southwestern corner of the subject property. The project site is undeveloped, but has a small borrow pond has been excavated in a historic wetland located in the south-central section of the site.

The jurisdictional wetlands and other surface waters, as defined by Chapter 62-340 F.A.C., within the limits of the property inspected are hatched in red on the attached aerial exhibits. The isolated wetlands are located at the north end of the site, near the center of the site, and in the south portion of the site (where the borrow pond is located). A slough located at the eastern edge of the site extends from the northern end to the southern end of the property. Melaleuca form a dense monoculture within the eastern slough. Occasional cypress and cabbage palms make up the only other visible vegetation within the slough. The small isolated wetlands are also vegetated by a significant melaleuca canopy. Stain lines and adventitious roots were evident in each of the wetland systems on site.

The non-jurisdictional areas on site are flatwoods with a mixture of slash pine, cabbage palms and scattered live oaks. Saw palmetto was the dominant vegetation throughout the uplands. Brazilian pepper and scattered melaleuca are also found throughout the site.

Several gopher tortoise burrows and tortoise scat were observed in the upland sections of the property. There were no other listed species observed during this inspection.

TO: File *CDL*
FROM: Craig D. Schmittler, PWS, Environmental Analyst, NRM Division
THROUGH: Karen Johnson, Supervising Professional, NRM Division
DATE: March 19, 2001
SUBJECT: Pine Road 60-Acre Site; Informal Wetland Jurisdictional Inspection;
Lee County, S-20 / T-46-S / R-25-E

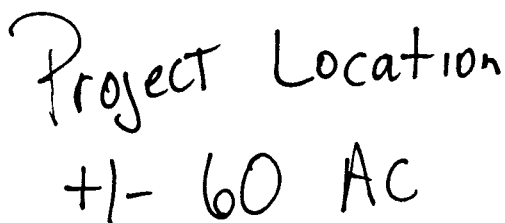
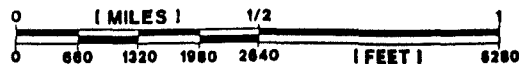
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**SOUTHWEST QUADRANT
LEE COUNTY, FLORIDA**



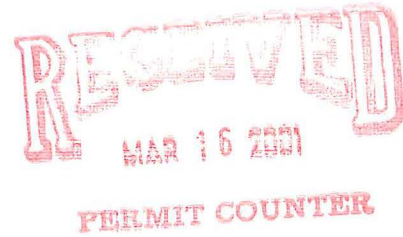
Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

March 12, 2001



Mr. Matt Noble, AICP
Principal Planner
Lee County Division of Planning
Department of Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

Re: PAM-98-06, Estero 60 Acres Lee Plan Future Land Use Element Amendment

Dear Mr. Noble:

As a follow-up to our telephone conversation two weeks ago, enclosed is information pertaining to the PAM-98-06 Estero 60 Acre sufficiency comments. We have revised the exhibits as requested to indicate the extent of the flood zone, and existing and proposed Future Land Use Plan designation.

We have also provided to you a letter and attachments from Q. Grady Minor, P.E. addressing your question as to the effect of the amendment on the area's hydrology. The letter concludes that there will be no alteration of the surface water hydrology.

Also enclosed is a copy of the South Florida Water Management District field wetland jurisdictional determination. The wetland jurisdictional areas were flagged by Boylan Environmental and verified by South Florida Water Management District staff.

We look forward to a discussion of our application and sufficiency response with you and Paul O'Connor at your earliest convenience. Please contact me if you have any additional information.

Sincerely,

A handwritten signature in blue ink is written over the word 'Sincerely,'. The signature is stylized and appears to read 'D. Wayne Arnold'.

D. Wayne Arnold, AICP

C: Andy DeSalvo

C:\My Documents\Estero 60 Acre Plan Amendment\SUFFLTR.doc



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102

February 27, 2001

Mr. Paul O'Connor, AICP
Director, Division of Planning
P. O. Box 398
Ft. Myers, FL 33902

Re: Request for Determination of Adequacy
Proposed Lee Plan Amendment, Estero, PAM 98-06

KATHERINE BOREN
CHAIRMAN • DISTRICT 4

TERRI K. WAMPLER
VICE CHAIRMAN • DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

JANE E. KUCKEL, PH.D.
DISTRICT 3

LISA ROCKRUS
DISTRICT 5

BRUCE HARTER, PH.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposed 60.324 acre existing Rural parcel could contain up to 60 dwelling units at one unit per acre. This would generate approximately 18 public school students, based on an estimated student generation rate of .31 per dwelling unit for Estero, creating a need for 1 new classroom in the District.

The proposed amendment to Outlying Suburban would increase the potential density to three units per acre, or 180 units. But the applicant's amendment would limit development to two units per acre on 52 acres of uplands, or a maximum of 104 units. Thus, the proposed plan amendment would create 44 more students and an additional impact of 14 new students and one new classroom over and above the existing land use category now assigned the property.

The schools in the South region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. However, through the District's Five Year Capital Plan, improvements are currently being made at selected schools throughout the South region, which will thereby accommodate this anticipated small increase in student development, so long as the density is limited to 104 units at this site.

If you have any further questions or comments, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Construction Services

cc: Tyler F. Patak, NCARB, Director, Construction Services
Dr. Gay Thompson, Executive Director, Support Services

From: John Wilson
To: Noble, Matthew
Date: 2/26/01 6:45PM
Subject: PAM 98-06 and CPA 2000-03.

Matt,

I'm responding to you via e-mail on the above items because I'm behind the power curve on this, and this was the day you folks wanted comments back on these two items.

Public Safety has no concerns with CPA 2000-03

As for PAM 98-06, I had sent an earlier response regarding raising the density of residential development in the coastal high hazard and my opinion as to whether it was contrary with Lee Plan Policy 75.1.4.

The applicant's response contained in Mr. D. Wayne Arnold's letter of November 6, 2000 was interesting. While I agree that the proposed Outlying Suburban designation is a lower density than others that could be requested, the proposal amendment still doubles the number of allowable residential units to be developed. It is this factor that I believe "runs contrary to the intent of Policy 75.1.4."

In my opinion, what's happening here is the opposite of what this policy is stating. Here, the land use amendment process is being made to increase density rather than maintain or reduce it, and in an area clearly exposed to coastal flooding because of it's location in the coastal high hazard area. What's more, this policy came into effect in 1992, or somewhere between 8 to 9 years ago. Doesn't it stand to reason that at that time, the bar was set at what was considered an allowable density given it's vulnerability to coastal flooding?

Also, I see no language in Policy 75.1.4 that , directly or indirectly, "clearly describes the Outlying Suburban (designation) as an area that will be further developed at 'lower densities other than Future Urban Areas'." The current designation being changed is Rural, not Future Urban Areas. How can one compare an area designation to another designation that has no bearing on the case being examined simply because it's referenced in the definition of the desired density range?

Although two units per acre is better than 3, I still believe that because the density is increased in a coastal high hazard area that this is contrary to what Policy 75.1.4 is trying to achieve.

Please let me know if you have any questions concerning this response or if you need additional information.

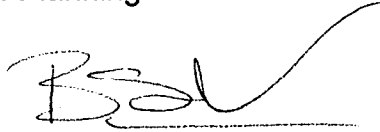
John D. Wilson
Director, Division of Public Safety
wilsonjd@leegov.com
TELEPHONE: (941) 335-1600
FAX: (941) 335-1638

CC: O'Connor, Paul

M E M O R A N D U M
DEPARTMENT OF PUBLIC WORKS
NATURAL RESOURCES DIVISION

TO: Paul O'Connor, AICP
Director, Division of Planning

FROM: Bradley S. Vance



RE: PAM 98-06 & CPA 2000-03

DATE: February 26, 2001

PAM 98-06:

No objections or comments.

CPA 2000-03

This parcel lies in the Six Mile Cypress watershed and is a vital link between I-75 and the Six Mile Slough. The applicant will need to show how they will implement that provided for in the Six Mile Cypress Watershed Plan for this parcel and those lying to the west (e.g.: Cross Creek) and east to I-75.

If you should have any additional questions, please let me know.

CC: Roland Ottolini

To: M. Noble



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

John E. Manning
District One

February 26, 2001

Douglas R. St. Cerny
District Two

Mr. Paul O'Conner

Ray Judah
District Three

Director, Division of Planning

Andrew W. Coy
District Four

P.O. Box 398

Fort Myers, FL 33902-0398

John E. Albion
District Five

RE: Your request for review of PAM 98-06 and CPA 2000-03

Donald D. Stilwell
County Manager

Dear Mr. O'Conner:

James G. Yaeger
County Attorney

Emergency Management has reviewed the referenced documents. The results of our review are enclosed.

Diana M. Parker
County Hearing
Examiner

If you have questions, please contact me at 477-3614.

**Sincerely,
DIVISION OF PUBLIC SAFETY
Emergency Management Program**

**John M. Campbell
Chief of Planning**

2 encl.

LEE COUNTY
RECEIVED
01 FEB 26 PM 1:45
COM. DEV.
PUB. WORKS. CNTR.
SECOND FLOOR

Hurricane Vulnerability Continued

(Note: Computation of shelter impact and evacuation route impact is based on Lee County Ordinance Number: 00-14, Land Development Code, dated July 27, 2000 for the year 2020 build-out and corresponding number of occupants per household of 2.09. The number of vehicles per household is estimated at 1.1 based on the 1995 SFRPC Hurricane Evacuation Study.)

52 single family Dwelling Units (DU) allowed under current rural designation:

52 DUs X 2.09 people/unit = 109 people evacuating

52 DUs X 1.1 vehicles/unit = 58 evacuating vehicles

The Lee Plan, policy 79.2.1 establishes the number of evacuating people at 21 percent of the population at risk. Lee County public shelter standards are defined as twenty (20) square feet per person. Shelter space requirements based on these criteria are calculated below.

109 people X 21% = 23 people seeking shelter

23 people X 20 square feet = 460 square feet of shelter space is required to mitigate this number of dwelling units in this development.

104 Dwelling Units (DU) proposed under the amended text for the Outlying Suburban designation: All figures above will be doubled:

218 people evacuating

115 vehicles evacuating

46 people seeking shelter

920 square feet of shelter space

The ultimate point restricting evacuation is U.S. Highway 41, which has an evacuation capacity of 2,891 vehicles per peak hour level of service. The impact of an addition of 115 vehicles as proposed under the amended text is calculated below:

115 vehicles divided by 2891 vehicle/peak hour x 60 minutes = 2.4 minutes additional time added to the exiting evacuation time.

Hurricane Vulnerability Continued

2. Emergency Medical Service

The proposed development site is within the area of jurisdiction in which the Lee County Emergency Medical Service (EMS) provides service. The Lee County EMS is a State licensed advanced life support (ALS) provider and operates under the provisions of chapter 401 of the Florida Statutes.

Response time cannot be guaranteed due to any number or a combination of environmental and operational factors. Additionally, the absence of maps showing ingress and egress route makes it impractical to estimate response times. However, the average EMS response time for the San Carlos area is currently six (6) minutes. It is estimated that the amended build out population of 218 people will generate an additional 27 calls annually for EMS resources.

3. Fire Protection

This site is within the service jurisdiction of the Estero Fire District.

4. Hazardous Material Management

If the developer/end user decides to store hazardous materials on this property, procedures must be established for notifying local and State officials if a release occurs.

5. Recommendations

The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.

A. General Hurricane Mitigation

1. The Applicant shall initiate the establishment of a homeowner's or resident's association. The organization shall provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness seminars. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards. (Reference

Recommendations Continued

Goal 71, Objective 71.1, Policy 71.2, Goal 79, Objective 79.1, 79.1.1, Goal 80, Policy 80.1.3; Lee County Comprehensive Plan – 1999)

- 2 The applicant is required to comply with Lee County Ordinance 00-14, Land Development Code, dated July 26, 2000, Article XI, section 2-481, as it applies to mitigation for the development impacts on emergency public shelters and evacuation routes. Mitigation options must be selected and approved by the Director of Public Safety prior to award of a Development Order.

B. Emergency Medical Service

1. The applicant shall provide for the emergency medical service impacts generated by the proposed development as defined by the Lee County Development Code Chapter Two, Division 5. (Reference Goal 43, Objective 43.2, Policy 43.3.2; Lee County Comprehensive Land Use Plan – 1999)
2. If access to this development is through a security gate or similar device, which is not manned twenty-four hours a day, it must be equipped with an override switch installed in a glass-covered box to be use by drivers of emergency vehicles to gain entry.

C. Fire Protection

The applicant shall provide for the fire protection impacts generated by the proposed development as defined by the Lee County Development Code, Chapter Two, Division 5. (Reference 43, Objective 43.2.2; Goal 45, Objective 45.3, 45.3.2, Lee County Comprehensive Land Use Plan – 1999).

References:

Lee County Comprehensive Land Use Plan – 1999

Lee County Land Development Code, Ord. 00-14 – 2000

Hurricane Behavioral Analysis For Lee County – 1991

SWFLA Regional Hurricane Evacuation Plan – 1995

Super Fund Amendments and Reauthorization Act – 1986

Administrative Code AC 7-7 - 1998

M E M O R A N D U M
FROM
ENVIRONMENTAL SERVICES DEPARTMENT
UTILITIES DIVISION

DATE: February 23, 2001

To: PAUL O'CONNOR, AICP, DIR.

Division of Planning

FROM: HOWARD WEGIS HSW

Utilities

SUBJECT: PAM 98-06 PRIVATELY INITIATED LEE PLAN AMENDMENT

With regards to your letter dated February 12, 2001 please accept the following comments.

Potable Water Service

This property is not located within Lee County Utilities' Water Franchise area. Lee County Utilities, therefore, currently has no facilities, nor do we plan to construct infrastructure within this area. Please contact Gulf Environmental Services, Inc., 19910 S. Tamiami Trail, Suite A, Estero, FL 33928-0360, 267-7747, for information regarding existing and planned infrastructure that would support the maximum densities allowed under the proposed amendment.

Sanitary Sewer Service

This property is not located within Lee County Utilities' Wastewater Franchise area. Lee County Utilities, therefore, currently, has not facilities nor do we plan to construct infrastructure within this area. Please contact Gulf Environmental Services, Inc., 19910 S. Tamiami Trail, Suite A, Estero, FL 33928-0350, 267-7747, for information regarding existing and planned infrastructure that would support the maximum densities allowed under the proposed amendment.

HSW:hsw

cc: Rick Diaz, Director, Utilities
Ivan Velez, Utilities
Thom Osterhout, Utilities
Matt Noble, AICP/Planning

LEE COUNTY
RECEIVED
01 FEB 26 AM 10:28
COMM. DEV./
PUB. WORKS CNTR.
SECOND FLOOR

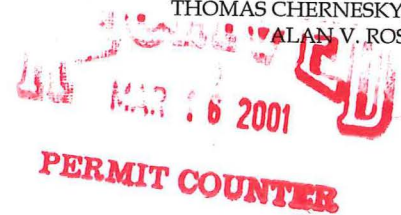
Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

February 20, 2001



Mr. Matthew A. Noble, AICP
Principal Planner
Lee County Division of Planning
Department of Community Development
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: PAM-98-06, Lee Plan Future Land Use Amendment
Estero 60 Acres

Dear Mr. Noble:

I'm enclosing a copy of a portion of the United States Department of the Interior Geological Survey for the Estero Quadrangle. I have highlighted the 60 acre parcel which is the subject of the Plan Amendment request. I have highlighted the 10 foot NGVD contour which is approximately in the center of Section 20 and the 5 foot NGVD contour which is near the center of Section 19. This represents a vertical fall of 5 feet across approximately one mile.

You can see the sub-tributary (wetland area) to Mullock Creek on the east side of the 60 acre property. This sub-tributary runs the entire length north and south of the 60 acre property. Surface water sheet flow which originates on the west side of U.S. 41 sheet flows east to west in this area based on the topography. The sheet flow to the east of the 60 acre property will be intercepted by the sub-tributary to the Mullock Creek and channeled north.

Development of the Estero 60 acre property will not alter the surface water hydrology of the area since the wetlands will be preserved as they currently exist.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Q. Grady Minor', is positioned below the 'Very truly yours,' text.

Q. Grady Minor, P.E.

Enclosure

M E M O R A N D U M
FROM THE
DIVISION OF PUBLIC SAFETY
EMERGENCY MANAGEMENT

DATE: February 20, 2001

TO: Paul O'Connor
Director, Division of Planning

From: John M. Campbell
Chief of Planning
Emergency Management

REVIEW AND RECOMMENDATIONS

Project: PAM 98-06 Change 60 Acres from Rural to Outlying Suburban Designation
Request: Rural to Outlying Suburban, PAM 98-06
Location: 4800 Pine Road, Estero (STRAP # 20462501000090000)
Applicant: Estero 60 Acre Land Trust
Agent: Bob Thinnes: O. Grady Minor & Associates

1. HURRICANE VULNERABILITY

According to the National Weather Service's storm surge model "SLOSH" which reflects a composite of maximum extent of flooding that may be caused for each hurricane category, this site is subject to storm surge flooding as shown below:

<u>Category of Hurricane</u>	<u>Sustained Wind (MPH)</u>	<u>SLOSH Surge Height Landfalling/Exiting</u>	
Tropical Storm	39 – 73	Dry	Dry
Cat. 1	74 – 95	Dry	Dry
Cat. 2	96 – 110	12.4	Dry
Cat. 3	111 – 130	16.5	10.8
Cat. 4/5	131 – 155	23.1	14.4

Evacuation of this site may be necessary prior to landfall of a category two (2) hurricane. The saltwater storm surge height could be approximately 12.4 feet above Mean Sea Level (MSL) from a land falling category two (2) hurricane. Flooding could occur because the natural ground elevation in this tract of land is between 8 and 10 feet. Storm surge flooding depth on this site could average 3 feet with the landfall of a category two (2) hurricane. It should be noted that this information does not take into account the freshwater flooding that could occur from rainfall usually associated with these storms. The property is shown on the National Flood Insurance Rate Map (FIRM), Community Panel 125124 0455 B to be in flood zone A-14 with a first floor elevation of 11 feet required. Should it become necessary to evacuate the proposed location, either due to flooding or hurricane winds, or a combination of both, the associated impacts on evacuation time and shelter space are calculated below:

LEE COUNTY
RECEIVED

**DEPARTMENT OF
TRANSPORTATION**

01 FEB -6 AM 10:48

COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

Memo

To: Matt Noble
Principal Planner, Division of Planning

From: David Loveland, Planning Program Director *DL*

Date: February 6, 2001

Subject: **Comprehensive Plan Amendment, #98-06**

We have reviewed the resubmitted application which requests that the land use designation of approximately 60 acres be changed from the existing Rural Classification to Outlying Suburban, which will increase residential density from 1 dwelling unit/acre to 2 dwelling units/acre. If this amendment is adopted, there will be an increase of 59 trips in the P.M. peak hour from the current land use designation. After running the updated FSUTMS travel demand model for year 2020, we have determined that this land use change will not alter the future road network plans.

If you have any questions, please let me know.

LW/DML/mlb

cc: Administrative File

**MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING: ENVIRONMENTAL SCIENCES**

Date: January 30, 2001

To: Matt Noble, Principle Planner

From: Kim Trebatoski, Senior Environmental Planner



Re: PAM 98-06

The Division of Planning / Environmental Sciences (ES) staff have reviewed the proposed Future Land Use Map (FLUM) amendment case PAM 98-06. The following information is needed to compile the ES staff report:

1. A South Florida Water Management District verification of the state jurisdictional wetland delineation with exhibit; and
2. Please clarify why only a portion of the wetlands are included on the proposed FLUM amendment.

(941) 479-8585

January 16, 2001

Mr. Bob Thinnies, AICP
c/o Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Spring, Florida 34134

RE: PAM 98-06, Lee Plan Future Land Use Amendment

Dear Bob:

Planning staff finds the above mentioned submittal is insufficient and further information is needed. The following applies to Part III of the application:

- B. Planning staff assumes, from the submitted information that the total rural acreage is 52.424 and that the wetlands acreage is 7.9 acres. The actual acreage needs to be determined through a wetlands jurisdictional determination. The application indicates that the current future land use as "Rural." Planning staff notes that there is a small area, in the southeast corner of the site, that is designated "Urban Community." What is the applicant's intention concerning this area? Please provide clarification.
- E. Planning staff will re-examine the potential development section of the application once the applicant provides additional/clarified information.

The following comments pertain to Part IV of the application:

- A. 2. Staff finds the submitted "Future Land Use Map" does not provide the existing Future Land Use category lines. The submitted map does not provide any natural resources information. Please revise map A.2.
- A. 3. Please **describe** the subject property's and surrounding existing land uses. If the parcels are being utilized today for agricultural uses such as unimproved pasture/grazing please indicate so.
- A. 4. Please **describe** the existing zoning of the subject property and surrounding properties.
- A. 5. Please **describe** the soils found on the subject property. This information must be obtained from the "Soil Survey of Lee County, Florida," by the Soil

Conservation Service, Issued December 1984. This document includes maps and descriptions of the various soil types.

- A. 6. Revise map A.6. to delineate 100-year flood prone areas as identified by FEMA.
- A. 7. Please note that a jurisdictional determination is required from South Florida Water Management District for the Development Order process. George Parker will verify the wetlands on site.
- A. 8. Please identify whether the site contains properties listed on the Florida Master Site File and locate any historic sites/resources on a map.
- A. 9. Please identify whether the site contains habitat for species listed by federal, state or local agencies as endangered, threatened or species of special concern and locate the habitat on a map.
- A. 11. Please provide a copy of the most recent deed(s) for the property subject to the requested change.
- B. 2. b.-f. Please provide the required information.
- B. 3. b.-f. Please provide the required information.
- B. 4. a.-e. Please provide the required information.
- B. 5. e. Please provide the required information. Are any improvements/expansions programmed in the CIP?
- B. 6. Mike Carroll of Development Services has provided an analysis. This information can be obtained from the annual Concurrency Monitoring Report prepared by Development Services staff. A copy of Mr. Carroll's memo is attached. e.-f. Please provide the required information.
- B. 8. a. Provide the required letter.
- C. Provide the required analysis.
- D.1-5. Provide the required analysis.

Planning staff also requests a letter authorizing staff to enter the subject property, during normal business hours, to perform site inspections in conjunction with this request. If I can be of any assistance or if you have any questions, please do not hesitate to call me at 479-8548.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT, DIVISION OF PLANNING

MATTHEW A. NOBLE
Principal Planner

cc: Planning file: PAM 98-06

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers • Land Surveyors • Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

September 22, 2000

Mr. Paul O'Connor, AICP
Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398

Re: PAM-98-06, Privately Initiated Amendment to the Lee County Comprehensive Plan

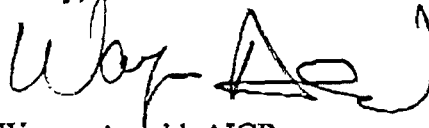
Dear Mr. O'Connor:

Q. Grady Minor & Associates is the authorized representative of the Estero 60 Acre Land Trust, applicant for the above referenced Lee Plan amendment. This amendment was initially filed in 1998 and during the subsequent sufficiency review, the property owner requested that the application review be placed on hold while the State evaluated the potential purchase of the nearby Sahdev property.

Bob Thinnes of our office discussed with Matt Noble last week our intent to reactivate the Lee Plan amendment. Please accept this letter as our formal request that PAM-98-06 be reactivated for the current Lee Plan amendment cycle that is scheduled to close September 29, 2000. We would like to schedule a meeting with you at your convenience to discuss the proposed amendment and staff's initial sufficiency comments, prior to our resubmittal of additional information.

Please contact me at (941) 947-1144 if you have any questions or comments.

Sincerely,



D. Wayne Arnold, AICP

C: Estero 60 Acre Land Trust
File

C:\My Documents\Estero 60 Acre Plan Amendment\PAM9806.doc

To: G. Soules

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
TOM CHERNESKY, P.S.M.

09 MAR 18 AM 8:51

March 17, 1999

Mr. Paul O'Connor
Lee County Planning Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Estero 60 Acre Land Trust, PAM 98-06

Dear Mr. O'Connor:

I represent the Estero 60 Acre Land Trust. We have filed an application to amend the Future Land Use Map for a parcel of land located on Pine Road extended in Estero, Lee County, Florida. County staff has requested additional information from us to accompany the application. We need additional time to properly address this request and respectfully request that you continue this application to the Fall, 1999 Comprehensive Plan cycle. Thank you.

Very truly yours,



Q. Grady Minor

QGM:jw

cc: Andrew DeSalvo
Neale Montgomery

F:D60

PLANNING DIVISION

M E M O R A N D U M



LEE COUNTY

SOUTHWEST FLORIDA

to: Public Hearing Participants
from: ^{POC} Paul O'Connor, AICP, Director
subject: March 22, 1999 Regular Local Planning Agency Meeting
date: March 18, 1999

Lee County is required to adopt a Local Housing Assistance Plan (LHAP) as a condition of receiving funds from the State Housing Initiative Program (SHIP). The LHAP is required to be reviewed for consistency with the Lee Plan by the LPA. Due to an oversight, the LHAP was not included on the March 22, 1999 Agenda. The plan has to be adopted by the Board of County Commissioners by May 3, 1999, so timely LPA review is essential. Attached please find a copy of the proposed LHAP. Review of this item can be handled under Other Business as there are no specific advertising requirements concerning the LPA review.

In regards to your existing agenda packets:

- The applicants representative for PAM 98-06 have requested that their amendment request be postponed until the next regular amendment cycle, in the Fall of 1999.
- A letter commenting on PAT 98-09 was inadvertently omitted.

PLANNING DIVISION

M E M O R A N D U M



to: Local Planning Agency
from: ^{POC} Paul O'Connor, AICP, Director
subject: March 22, 1999 Regular Meeting
date: March 17, 1999

Lee County is required to adopt a Local Housing Assistance Plan (LHAP) as a condition of receiving funds from the State Housing Initiative Program (SHIP). The LHAP is required to be reviewed for consistency with the Lee Plan by the LPA. Due to an oversight, the LHAP was not included on the March 22, 1999 Agenda. The plan has to be adopted by the Board of County Commissioners by May 3, 1999, so timely LPA review is essential. Attached please find a copy of the proposed LHAP. Review of this item can be handled under Other Business as there are no specific advertising requirements concerning the LPA review.

In regards to your existing agenda packets:

- The applicants representative for PAM 98-06 have requested that their amendment request be postponed until the next regular amendment cycle, in the Fall of 1999.
- A letter commenting on PAT 98-09 was inadvertently omitted.
- Also concerning PAT 98-09, a part of Attachment 1 was omitted every other page. A replacement for the letter is attached.

I apologize for any inconvenience.

cc: Andrea Fraser, Assistant County Attorney
Tim Jones, Assistant County Attorney

**PAM 98-06
PRIVATELY INITIATED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**LPA Public Hearing Document
for
March 22nd Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

March 15, 1999

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
PAM 98-06**

✓	This Document Contains the Following Reviews:
✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: March 15, 1999

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

REPRESENTED: BY BOB THINNES, AICP
Q. GRADY MINOR AND ASSOCIATES

2. REQUEST:

Amend the Future Land Use Map series for a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban."

3. SUMMARY DISCUSSION

The applicant, Estero 60 Acre Land Trust, is requesting a change of land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for a 60.324 acre parcels of land. The site is generally located at the end of Pine Road, west of U.S. 41 in Estero. The site address is 4800 Pine Road, Estero, Florida 33928. The land is located in Section 20, Township 46 South, Range 23 East. If the amendment is approved the permissible density would increase from 1 du/acre to 3 du/acre on the subject property.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Planning staff recommends that the Board off County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map,

not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: In addition to the various conclusions contained in this Staff Analysis staff offers the following as the basis and recommended findings of fact:

- The requested land use category is not adjacent to the site.
- Sufficient justification for the proposed amendment has not been submitted.
- Based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 60.324 ACRES

PROPERTY LOCATION: The site is generally located at the end of Pine Road, west of U.S. 41 in Estero.

EXISTING USE OF LAND: The subject property is currently vacant.

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATIONS: Rural

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The subject property is located in the Gulf Environmental Services, Inc., franchise area for potable water service. According to the application, "potable water is available to the site. The franchise area is Gulf Environmental Services, Inc. Conversations with personnel at the water utility indicate that adequate flow and pressure are available." The subject property is also located in the Gulf Environmental Services, Inc., franchise area for sanitary sewer service. According to the application, "there are no sanitary sewer facilities within one quarter mile of this site, therefore, this site will utilize individual on-site septic systems per Florida Administrative Code Chapter 64E-6, Standards for Onsite Sewage Treatment and disposal Systems." Planning staff notes that Lee Plan Standards 11.1 and 11.2 provide for mandatory connections when certain development thresholds are achieved.

FIRE: The property is located in the Estero Fire Protection and Rescue Service District.

TRANSPORTATION: The subject property currently has access to an unimproved dirt trail which is covered by an easement connecting it to Pine Road, on the west side of U.S. 41.

SOLID WASTE FRANCHISE: Gulf Disposal, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant, Estero 60 Acre Land trust, represented by Bob Thinnes, AICP, is requesting a change of land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for a 60.324 acre parcel of land. The site is located west of the current terminus of Pine Road west of U.S. 41 in Estero, in Section 20, Township 46 South, Range 25 East. If the amendment is approved the permissible density would decrease from a maximum standard density of 1 du/acre to 3 du/ac, a three fold increase.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letter, and agency and applicant correspondence are attached as Attachment 1.

SUMMARY OF REQUEST

According to the application the summary of the request is:

"Change from Rural Classification to Outlying Suburban. Surrounding land use classifications and existing uses have land use densities equal to or greater than Outlying Suburban. Rural is not consistent with surrounding area."

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was shown as being located in the "Rural" and "Urban Community" land use categories. Only that portion of the property lying to the east of Mullock Creek was designated Urban Community which accounts for only a small triangle in the extreme southeast corner. Subsequent Future Land Use Map amendments have added Wetlands to the property near the creek. Subsequently, even a smaller portion of the property is designated Urban Community. The future land use designations of this property were not affected by the Estero/Corkscrew Road Area Study of 1987.

ADJACENT ZONING AND USES

Immediately to the north of this parcel is a vacant 9 acre parcel with AG-2 zoning. North of that parcel is Shady Acres RV Park with MH-1 and MH-2 zoning. Both of these parcels are designated as Rural, Wetlands, and Urban Community. Immediately to the east of the subject parcel are several parcels zoned AG-2 and RS-3. Some are vacant, one has a church on it and others have low density residential uses. They are designated Wetlands and Urban Community. To the south and the west is the Estero River Bay property, zoned RPD.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

TRANSPORTATION ISSUES

Lee County DOT

The Lee County Department of Transportation (DOT) has reviewed the request and has provided Planning staff written comments dated December 14, 1998 (see Attachment 1). The Department of Transportation raised four questions/comments. The property will use Pine Road to access U.S. 41. DOT notes that, based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020. Planning staff

questions the validity of tripling the density on this property when we already know that there is a future LOS problem on a major roadway link affected by this property.

DOT also raises a potential problem with north bound traffic exiting the property making a U-turn at the intersection of U.S. 41 and Berckenridge.

Mass Transit

The application provided the following regarding Mass transit:

"The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary."

PUBLIC SAFETY ISSUES

The applicant and Planning staff requested letters from the public safety and service providers (see Attachment 1). The purpose of these letters is to determine the adequacy of existing or proposed support facilities.

Emergency Management - Hurricane Evacuation/Shelter Impacts

Lee County Emergency Management (EM) staff have reviewed the proposal and provided written comments dated February 5, 1999 (see Attachment 1). There seem to be some discrepancy in the analysis. This needs to be corrected to properly assess this issue. Needless to say, tripling the allowable density on a property located in a Category 1 evacuation area, according to the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, will have a negative effect on evacuation times.

Fire Service Impact

The subject parcel is located within the Estero Fire Protection and Rescue Service District. The applicant requested a review letter on September 21, 1998. As of the this writing date, the applicant has not provided the required review letter from the District.

Emergency Medical Services (EMS) Impact

EMS staff have reviewed the proposal and provided written comments dated October 15, 1998 (included in Attachment 1). The EMS Program Manager provided the following:

If the above named parcel is changed to outlying suburban from rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit /3 dwelling units per acre). The residents could generate 45 calls annually for EMS resources.

Without a site plan showing ingress/egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances/personnel are acquired according to current budgetary plans.

Planning staff is concerned that an average response time of six minutes is excessive. The Lee Plan's non-regulatory EMS standard, as contained in Policy 70.1.3, provides for "a five and one half (5½) minute average response time.

Public Safety Conclusion

From the above reviews, planning staff concludes that the requested land use change will have an impact on public safety service providers.

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated December 4, 1998 (included in Attachment 1). The District states that "the proposed plan amendment would create an additional impact of 22 new students and one classroom. District staff conclude that a fiscal impact analysis would be needed to determine if the fiscal impact of the development would be offset by revenues generated by the development.

SOILS

From staff research of the 1984 U.S. Department of Agriculture Soil Survey of Lee County indicates that there are two soil types present on the subject parcel - 27 Pompano Fine Sand, Depressional and 28 - Immokalee Fine Sand.

ENDANGERED SPECIES

The application provided the following regarding Endangered Species.

"The subject site consists of 87% palmetto, identified as Code 321 according to the Florida land Use, Cover and Forms Classification System. The remainder of the site is melaleuca wetlands and an existing borrow pit. A gopher tortoise was observed on the site."

COMMUNITY PARKS IMPACT

The application provides the following concerning this issue:

"The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero."

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following discussion concerning this issue:

"Surface water management will be provided by a series of lakes, connecting culverts and out falls structures. All will be permitted through the South Florida Water management District and will comply with their rules and regulations."

COASTAL ISSUES

Coastal issues are relevant to this application. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council, shows that a portion of the subject property is located within the Category 1 storm surge zone, as such this portion of the subject site is in the "Coastal Planning Area" as defined by the Lee Plan. All of the subject property in the FIRM A Zone and in the Category 1 Hurricane Evacuation Zone, as defined by the Southwest Florida Regional Planning Council. The applicant has provided no data or analysis regarding this subject. Staff can find no reason to triple the allowable density on this property when it is so located.

SUFFICIENCY OF THE APPLICATION

Planning staff sent a sufficiency letter to the applicants representative dated January 11, 1999 (see Attachment 1). This letter outlined the information that was not included in the original submittal. The following items, included in the letter, have not been addressed.

The submitted "Future Land Use Map" does not provide the existing Future Land Use category lines nor does it provide any natural resources information. Please revise map A.2.

A description of the subject property's and surrounding existing land uses. If the parcels are being utilized today for agricultural uses such as unimproved pasture/grazing please indicate so.

A description of the existing zoning of the subject property and surrounding properties.

A description of the soils found on the subject property. This information must be obtained from the "Soil Survey of Lee County, Florida," by the Soil Conservation Service, Issued December 1984. This document includes maps and descriptions of the various soil types.

A delineation of the 100-year flood prone areas as identified by FEMA.

A jurisdictional determination from South Florida Water Management District.

Identify whether the site contains properties listed on the Florida Master Site File and locate any historic sites/resources on a map.

Identify whether the site contains habitat for species listed by federal, state or local agencies as endangered, threatened or species of special concern and locate the habitat on a map.

Provide a copy of the most recent deed(s) for the property subject to the requested change.

Provide a Sanitary Sewer analysis which includes:

- a. Sewer Franchise Area
- b. Facilities serving the site, current LOS, and LOS standard;
- c. Projected 2020 LOS under existing designation;
- d. Projected 2020 LOS under proposed designation; and
- e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- f. Based on a - e, are revisions to the Sanitary Sewer Sub-Element and/or Capital Improvements element necessary/included in the application.

Provide a Potable Water analysis which includes:

- a. Potable Water Franchise Area
- b. Facilities serving the site, current LOS, and LOS standard;
- c. Projected 2020 LOS under existing designation;
- d. Projected 2020 LOS under proposed designation; and
- e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements

- f. Based on a - e, are revisions to the Potable Water Sub-Element and/or Capital Improvements element necessary/included in the application.

Provide a Drainage/Surface Water Management analysis which includes:

- a. Surface Water/Drainage Basin
- b. Facilities serving the site, current LOS, and LOS standard;
- c. Projected 2020 LOS under existing designation;
- d. Projected 2020 LOS under proposed designation; and
- e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- f. Based on a - e, are revisions to the Surface Water Management Sub-Element and/or Capital Improvements element necessary/included in the application.

Provide a Solid Waste analysis which includes:

- a. Solid Waste Franchise Area
- b. Facilities serving the site, current LOS, and LOS standard;
- c. Projected 2020 LOS under existing designation;
- d. Projected 2020 LOS under proposed designation; and
- e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- f. Based on a - e, are revisions to the Solid Waste Sub-Element and/or Capital Improvements element necessary/included in the application.

Provide a Parks, Recreation and Open Space analysis which includes:

- a. Park Impact Fee District
- b. Facilities serving the site, current LOS, and LOS standard;
- c. Projected 2020 LOS under existing designation;
- d. Projected 2020 LOS under proposed designation; and
- e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- f. Based on a - e, are revisions to the Parks, Recreation and Open Space Element and/or Capital Improvements element necessary/included in the application.

Provide a letter from the appropriate agency determining the adequacy of existing or proposed support facilities, including:

- a. Fire protection with adequate response times;
- b. Emergency medical service (EMS) provisions;
- c. Law enforcement; and
- d. Schools

Provide an analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources.

Discuss how the proposal affects established county-wide population projections/accommodations.

Discuss how the proposal affects Map 17 "the Year 2010 Overlay" (including an analysis of the existing allocation and existing inventory).

Describe how the proposal affects adjacent local governments.

List objectives and policies of the Future Land Use element and other affected elements with which the proposed amendments is compatible.

List State Policy Plan and Regional Policy Plan goals and policies which are addressed by the plan amendment.

Other items not addressed by the application, when moving lands from a Non-Urban Area to a Future Urban Area are:

State whether the proposed change constitute Urban Sprawl.

Justification/need for more land designated for Future Urban Densities/ Intensities.

Without this information staff cannot properly assess the implications of this proposal.

APPROPRIATENESS ANALYSIS

The request is to re-designate a 60.324 acre parcel of land from a Non-Urban designation to a Future Urban designation. The applicant has not submitted anything to justify that the proposed land use category is appropriate for the subject site. The requested land use category, Outlying Suburban, is not adjacent to the site. Lee County has proposed no urban services for this site. Staff finds that the application's supporting documentation is not sufficient to warrant this change.

B. CONCLUSIONS

Planning staff finds that the application is not sufficient enough to be properly analyzed. Virtually no justification for the proposed amendment to Map 1, the Future Land Use Map to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban has been submitted.

C. STAFF RECOMMENDATION

Planning recommends that this proposed amendment to Map 1, the Future Land Use Map to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban not be transmitted. This recommendation is based upon the previously discussed issues and conclusions of this analysis. See the finding of facts in Part I of this report.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: March 22, 1999

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BARBARA BARNES-BUCHANAN	_____
WILLIAM HICKOK	_____
MITCH HUTCHCRAFT	_____
RONALD INGE	_____
BILL SPIKOWSKI	_____
GREG STUART	_____
MATT UHLE	_____

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

RAY JUDAH

JOHN MANNING

DOUG ST. CERNY

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
TOM CHERNESKY, P.S.M.

March 15, 1999

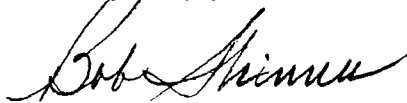
Mr. Matt Noble
Lee County Planning Department
1500 Monroe Street
Fort Myers, FL 33901

RE: San Carlos Grove, Comprehensive Plan Amendment, #98-06

Dear Mr. Noble:

Our office respectfully requests that the above referenced subject not be placed on the March 22, 1999 LPA Agenda. Additional information is forthcoming. If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

cc: Andy DeSalvo
Neale Montgomery

F:D60

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

January 7, 1999

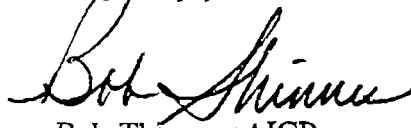
Mr. Matt Noble
Lee County Planning Department
1500 Monroe Street
Fort Myers, FL 33901

RE: San Carlos Grove, Comprehensive Plan Amendment, #98-06

Dear Mr. Noble:

Our office respectfully requests that the above referenced subject not be placed on the January 25, 1999 LPA Agenda. If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,


Bob Thinnes, AICP

BT:jw

cc: Andy DeSalvo

F:D60

LEE COUNTY
RECEIVED

99 FEB -5 PM 1:40

Interoffice Memo

Date: February 5, 1999
To: Paul O'Connor, Director, Division of Planning
From: Gene Hurst, Planning Coordinator, Emergency Management
RE: 1998 Privately Initiated Lee Plan Amendments - PAM - 98 - 06

This proposed plan amendment requests that the current land use designation of rural with a maximum density of one (1) unit per acre, be changed to Outlying Suburban with a standard density of three (3) units per acre, on the subject property. The Comprehensive Land Use Plan permits a density of 60 single family units under the present classification of rural, or a density of 180 single family units, if the new land use category of outlying suburban is approved. The site is located on the "SLOSH" Map Storm Surge Panel showing in an area, which could receive 12.4 feet of storm surge from a category two (2) hurricane, which would result in the evacuation of the development's location. Impacts on Existing Shelter Space Deficit and Evacuation Times are calculated below:

CURRENT LAND USE - RURAL

60 single family units x 2.25 persons/occupied unit x 97% occupancy rate = 131 people evacuating

PERCENTAGE OF EVACUEES SEEKING PUBLIC SHELTER IS TWENTY-ONE PERCENT

131 evacuees x 21% seeking public shelter = 28 additional shelter spaces required

TWENTY SQ. FT. IS THE STANDARD INDIVIDUAL PUBLIC SHELTER SPACE SIZE

28 spaces needed x 20 sq. ft. = 560 sq. ft. of additional shelter space required

IMPACT ON EXISTING EVACUATION TIME:

60 single family units x 97% x 1.1 vehicles/occupied unit = 64 evacuating vehicles

EVACUATION TIME IMPACT:

The evacuation route constricting point is Corkscrew Rd. with a peak hour level of service of 984 vehicles. 64 evacuating vehicles divided by peak LOS of 984 vehicles per hour x 60 minutes = four (4) minutes to the existing evacuation time.



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 335-1604

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

October 15, 1998

Bob Thimes, AICP
Q. Grady Minor & Associates. P. A.
3800 Via Del Rey
Bonita Springs, Florida 34143

**Re: Letter of Adequacy / Availability for Parcel
Strap No. 20-46-25-01-00009.0000, 4800 Pine Road 60 ± acres**

Dear Mr. Thimes:

If the above named parcel is changed to outlying suburban from rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit / 3 dwelling units per acre). The residents could generate 45 calls annually for EMS resources.

Without a site plan showing ingress / egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances / personnel are acquired according to current budgetary plans.

If you would like to discuss this further, please call me at the above referenced number.

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen
EMS Program Manager

cc: Chief Ippilito, San Carlos Park FD
Matt Noble, County Planning
DPS Administration

k:\users\chrish\impact\qgma.let

6.00 - ROL.
~~3572.10 - docs~~
~~3572.10 - docs~~

4481863

003019 960677

This Document Prepared By and Return to:
 RALPH A. RICHARDSON
 Attorney at Law
 27725 Old 41 Road, Ste. 104
 Bonita Springs, FL 34135

Parcel ID Number: 20-46-25-01-00009.0000 WOL

Certificate #1 TIN:

Certificate #2 TIN:

Personal Representative's Deed

This Indenture, is made this 24th day of September, 1998, by and between
 PAUL F. SMITH, individually, a single person, and

as Personal Representative of the Estate of MABEL T. STEPHENS, a/k/a MABEL STEPHENS, deceased, Grantor, and
 A. P. DeSALVO, as Trustee a/k/a MABEL T. STEVENS

whose post office address is: 3960 Via Del Ray, Bonita Springs, Florida 34134

of the County of Lee State of Florida, Grantor.
 Witnesseth: Grantor, pursuant to Order Authorizing Sale dated August 27th, 1998, and in consideration of the sum
 of One Dollar (\$1.00) paid to Grantor by Grantee, receipt of which is acknowledged, grants, bargains and sells to Grantee, and Grantee's heirs,
 successors and assigns forever, the real property in Lee County, Florida, described as

Lots 6 - 11, of that certain subdivision known as SAN CARLOS GROVE
 TRACT, according to the map or plat thereof on file and recorded in
 the office of the Clerk of the Circuit Court in Plat Book 4, page 75,
 public records of Lee County, Florida.

Subject to restrictions, reservations and easements of record, if
 any, and taxes subsequent to 1997.

RECORDED BY
 JOANNE MILLER, D.C.

Documentary Tax Pd. : 3572.10
 Intangible Tax Pd. :
 CHARLIE GREEN, CLERK, LEE COUNTY
 Deputy Clerk

CHARLIE GREEN, CLERK
 LEE COUNTY, FL
 19 OCT - 2 PM 3:19

Together with all and singular the accretions, hereditaments, and appurtenances belonging or in anywise appertaining to the real property.
 To Have And To Hold (the same to Grantee, and Grantee's heirs, successors and assigns, in fee simple forever.

And Grantor does covenant to and with the Grantee, and Grantee's heirs, successors and assigns, that in all things preliminary to and in and about
 this conveyance, Order Authorizing Sale dated August 27th, 1998, and the laws of the State of Florida have been
 followed and complied with in all respects.

In Witness Whereof, the undersigned, as personal representative of the estate of said decedent, has executed this instrument under seal on
 the date aforesaid.

Signed, sealed and delivered in our presence:

Ralph A. Richardson
 Printed Name: Ralph A. Richardson
 Witness

Terralla L. Houston
 Printed Name: Terralla L. Houston
 Witness

STATE OF Florida
 COUNTY OF Lee

The foregoing instrument was acknowledged before me this 24th day of September, 1998 by
 PAUL F. SMITH

as personal representative of the estate of MABEL T. STEPHENS
 He is personally known to me or he has produced his

Marshall C. Keller
 Printed Name: Marshall C. Keller
 Notary Public

Paul F. Smith (Seal)
 PAUL F. SMITH, as Personal Representative
 P.O. Address: POST OFFICE BOX 434
 ESTERO, FLORIDA 33928
Paul F. Smith (Seal)
 PAUL F. SMITH, Individually
 P.O. Address: POST OFFICE BOX 434
 ESTERO, FLORIDA 33928

Marshall C. Keller
 Printed Name: Marshall C. Keller
 Notary Public

37.50 net fee
 .70 - docs.

4481873

38.20 total

RECORD AND RETURN TO:
 Anthony J. Gargano, Esq.
 Courthouse Box 58

THIS INSTRUMENT PREPARED BY:
 Anthony J. Gargano, Esq.
 GARGANO & MARCHEWKA, L.L.P.
 P.O. Box 2527
 Fort Myers, Florida 33902-2527
 (941) 337-2280

Documentary Tax Pd. \$ 70
 Intangible Tax Pd. \$ 0
 CHARLIE GREEN, CLERK, LEE COUNTY
 By Cindy Keller Deputy Clerk

0R3019 P60687

**VEHICULAR ROADWAY,
 INGRESS AND EGRESS and UTILITY EASEMENT**

THIS EASEMENT made this 24th day of September 1998, by and between ST. JOSEPH'S EPISCOPAL CHURCH OF LEE COUNTY, INC., a Florida non-profit corporation ("Grantor"), and A.P. DESALVO, TRUSTEE, ("Grantee"), whose address is 3960 Via Del Rey Bonita Springs, Florida 34134.

WITNESSETH:

WHEREAS, Grantor is the fee simple owner of that certain real property in Lee County, Florida legally described in Exhibit A attached hereto (the "Parent Tract"); Grantor has agreed to grant a non-exclusive perpetual easement (this "Easement") to Grantee over, under, upon, across and through that certain portion of the Parent Tract legally described in Exhibit B attached hereto (the "Easement Premises"), for the purpose of providing vehicular roadway, ingress and egress and utilities, to benefit that certain real property legally described in Exhibit C attached hereto, (the "Grantee's Property") subject to certain terms and conditions described herein; and

NOW, THEREFORE, in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive perpetual easement appurtenant (the "Easement"), over, under, upon, across and through the Easement Premises, subject to the following terms and conditions:

1. Purposes and Permitted Uses.

1.1. This Easement shall exist perpetually for the purpose of providing to Grantee, and its successors in title, as owner or owners of Grantee's Property and any parts thereof, and their invitees, customers, agents, representatives, tenants, guests, designees, successors, and assigns, the non-exclusive right, privilege, and authority to construct, locate, install, maintain, repair and replace a vehicular roadway within the Easement Premises for the purpose of providing a vehicular roadway and ingress and egress to the Grantee's Property. The Grantee and its successors in title, as owner or

RECORDED BY
 CINDY KELLER, D.C.

owners of Grantee's Property, at their cost and expense, shall construct within the Easement Premises the roadway necessary to serve Grantee's Property. The roadway shall be constructed in accordance with applicable governmental requirements.

1.2. This Easement shall exist perpetually for the purpose of providing to Grantee, and its successors in title, as owner or owners of Grantee's Property, and any parts thereof, and their invitees, customers, agents, representatives, tenants, guests, designees, successors and assigns, the non-exclusive right, privilege, and authority to construct, locate, maintain, repair and replace utilities facilities and systems, including but not limited to water lines, sewer lines, electric lines, phone lines, cable lines, drainage, retention and irrigation, together with necessary appurtenances and service connections, over, under, upon, across, and through the Easement Premises, with the additional non-exclusive right, privilege, and authority to remove, replace and repair the utilities facilities and systems, and to trim and remove roots, trees, shrubs, bushes, and plants which may affect the operation of the utilities.

1.3. This Easement shall exist perpetually for the purpose of allowing Grantee, and its successors in title as owner or owners of Grantee's Property and any parts thereof, the right, authority and privilege to construct, locate, maintain, repair, and replace, signage, landscaping, and street lighting within the Easement Premises.

2. Covenants of Grantor and Grantee. Grantee and Grantor hereby covenant and agree:

2.1. If Grantee, or its successor in title, chooses to construct a roadway and/or utilities within the Easement Premises, Grantee, or its successors in title, as the owner or owners of Grantee's Property, shall be responsible for : costs and expenses of construction of the roadway and utilities to serve Grantee's Property within the Easement Premises and two entry cuts to serve the Parent Tract; and, all costs and expenses of the connection to the roadway and utilities to serve Grantee's Property within the Easement Premises. However, Grantee does not covenant, on its own behalf or on behalf of its successor in title, to construct a roadway, utilities, or entry cuts, if Grantee chooses not to do so.

2.2. Following the construction of the roadway and/or utilities by Grantee, or its successor in title, Grantee, or its successors in title, as owner or owners of Grantee's Property and any parts thereof, shall pay all costs and expenses of maintaining the roadway and utilities within the Easement Premises in good condition and repair (the "maintenance").

2.3. Grantor and Grantee covenant and agree that all improvements constructed within the Easement Premises shall comply with the applicable governmental requirements.

0R3019 P60689

2.4. Neither party shall place, permit or suffer any barriers or obstructions within or on the Easement Premises. The Easement Premises shall remain available for free and unobstructed vehicular ingress and egress and for the use of the utilities located within the Easement Premises.

2.5. During the construction of the roadway or utilities, and during any repairs or maintenance of the roadway or utilities, within the Easement Premises, the party performing construction, repairs or maintenance, (the "work") whether Grantor or Grantee, their agents, assigns or successors, may not unreasonably disrupt, reduce or disturb the other party's use of the Easement Premises or the use of the utility services to contiguous property. In the event of any work performed within the Easement Premises: (1) the work shall be performed with due diligence so as to cause a minimum amount of interference with the rights of the other party hereunder; (2) the other party shall reasonably cooperate in the timing and performance of the work so as to cause the minimum amount of interference reasonably possible with any business conducted on contiguous property; and (3) the party performing the work, its successors, and assigns, shall indemnify and defend the other party and any occupant of the other party's contiguous property from any damage to person or property and liability (including attorneys' fees) in connection with the work.

2.6. Grantee, Grantee's successors in title covenant to provide, at its expense, by advance payment of premiums, a comprehensive property and liability policy of insurance protecting Grantor as a named insured, against liability in connection with the use of the Easement Premises. The policy shall provide aggregate coverage limits of not less than one million dollars.

3. **Representations and Warranties of Grantor.** Grantor hereby represents and warrants that:

3.1. Grantor is the fee simple title holder of the Parent Tract and the Easement Premises;

3.2. There are no liens or encumbrances upon the Easement Premises that necessitate the consent or joinder of any third party to Grantor's grant of this Easement.

4. **Rights Reserved to Grantor.** Grantor, for itself and on behalf of its successors and assigns, hereby reserves the right to use and enjoyment of the Easement Premises consistent with the Grantee's use set forth in Article 1, and except for use as may unreasonably interfere with the exercise of Grantee, and its successors in title as owner or owners of Grantee's Property and any parts thereof, of the rights granted herein, including the right for itself, its successors in title and their invitees, customers, tenants, guests and designees, successors and assigns to have unrestricted legal and physical access over and across the Easement Premises and to have unrestricted use of the utilities within the Easement Premises.

0R3019 P60690

5. **Binding Effect.** This Easement is a perpetual appurtenant easement and shall be binding upon and enforceable by the Grantor and Grantee and their respective heirs, grantees, successors, and assigns, including successors in title, and shall be a covenant which shall run with the Grantor's Property, the Easement Premises, and the Grantee's Property.

6. **A.P. DESALVO TO HAVE NO PERSONAL LIABILITY.** This Easement is executed by Grantee, A.P. DeSalvo, not personally but as Trustee as aforesaid, in the exercise of the power and authority conferred and vested in him as Trustee, and is expressly understood and agreed that every person and entity now or hereafter claiming any right hereunder, that nothing contained herein shall be construed or interpreted as creating any personal liability on A.P. DeSalvo (or on any beneficiaries of the Land Trust) or any indebtedness accruing hereunder, or to require A.P. DeSalvo personally, to perform any covenants either express or implied contained herein, all personal liability, if any, being expressly waived.

IN WITNESS WHEREOF, the parties have executed this Easement this 24th day of September, 1998.

Signed sealed, and delivered
in the presence of:

GRANTOR: ST. JOSEPH'S EPISCOPAL
CHURCH OF LEE COUNTY, INC.

Lorraine E. Foster
Witness

LORRAINE E. FOSTER
Witness name printed

Frederick E. Schreff
by: Its President

Virginia E. Carter
Witness
VIRGINIA E. CARTER
Witness name printed

GRANTEE
A.P. DESALVO, TRUSTEE

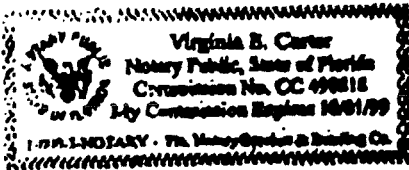
Lorraine E. Foster
Witness
LORRAINE E. FOSTER
Witness name printed

A.P. DeSalvo
by A.P. DeSalvo, Trustee

Virginia E. Carter
Witness
VIRGINIA E. CARTER
Witness name printed

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 24th day of September, 1998 by FREDERICK E. Scharf, Jr who is personally known to me or who has produced FREDERICK E. Scharf, Jr as identification and who did (did not) take an oath.

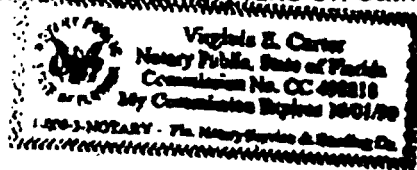


Virginia E. Carter
Notary Public
(Typed name)

My commission expires:

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 24th day of September, 1998 by A.P. DeSalvo who is personally known to me or who has produced Florida Drivers License as identification and who did (did not) take an oath.



Virginia E. Carter
Notary Public
(Typed name)

My commission expires:

083019 P60691

**VEHICULAR ROADWAY,
INGRESS AND EGRESS and UTILITY EASEMENT
between**

**ST. JOSEPH'S EPISCOPAL CHURCH OF LEE COUNTY, INC. ("Grantor")
and
A.P. DESALVO, TRUSTEE ("Grantee")**

**EXHIBIT "A"
(THE PARENT TRACT)**

**Tract 13, SAN CARLOS GROVE TRACT, as
recorded in Plat Book 4, Page 75, of the Public
Records of Lee County, Florida.**

OR3019 P60692

between

LEGAL DESCRIPTION
(45 WIDE EASEMENT)
SAN CARLOS GREYS

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 20, TOWNSHIP 48 SOUTH, RANGE 23 EAST, BEING PART OF TRACT 13 OF SAN CARLOS GROVE TRACT SUBDIVISION AS RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND FURTHER DESCRIBED AS FOLLOWS:

BEING AT THE NORTHEAST CORNER OF TRACT 13 OF SAN CARLOS DRIVE TRACT SUBDIVISION AS RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE S 00°18'24" W. ALONG THE EAST LINE OF SAID TRACT 13, FOR 45.00 FEET; THENCE S 89°53'54" N, PARALLEL WITH AND 45.00 FEET SOUTH OF THE NORTH LINE OF SAID TRACT 13, FOR 801.00 FEET AND TO THE WEST LINE OF SAID TRACT 13; THENCE RUN N 00°18'34" E FOR 15.00 FEET; THENCE RUN N 89°53'54" E FOR 30.00 FEET; THENCE RUN N 00°18'34" E FOR 30.00 FEET TO THE NORTH LINE OF SAID TRACT 13; THENCE N 89°53'54" E, ALONG THE NORTH LINE OF SAID TRACT 13, FOR 631.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6.082 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF TRACT 13 OF SAN CARLOS GROVE, PLAT BOOK 4, PAGE 75, LEE CO., FLA., AS BEING N 89°55'54" E.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS
AND OR RESTRICTION OF RECORD.

Q. GRADY MINOR AND ASSOCIATES, P.A.

SIGNED 09/15/98

Eric V. Sandoval

ERIC Y. SANDOVAL

— P S M. # 5223
STATE OF FLORIDA

* NOT A SURVEY *

LEGAL DESCRIPTION AND SKETCH

45' WIDE EASEMENT

SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE SEPTEMBER, 1998

DRAWING BB-1415A

2017/07/23

DR3019 P.50693

PAGE 89



APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

PERMIT COUNTER

CPA 961136

FOR OFFICE USE ONLY

REQUEST NO: PAM 98-06

DATE REC'D: 9/30/98

APPLICATION FEE: \$580 -

RECEIPT NO: 2087

SUFFICIENCY DATE: _____

BY: DM

BoCC TRANSMITTAL HEARING DATE: _____

BoCC ADOPTION HEARING DATE: _____

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

APPLICANT PLEASE NOTE:

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

Submit 2 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency and Board of County Commissioners hearings.

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

9/29/98 Bob Thinnies

Bob Thinnies, AICP; O. Grady Minor & Associates, P.A.

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

PROJECT # 98-09-295.095 01.01
PROJECT TYPE Z6

I. APPLICANT/AGENT/OWNER INFORMATION

Estero 60 Acre Land Trust
 APPLICANT
 3960 Via Del Rey
 ADDRESS
 Bonita Springs Florida 34134
 CITY STATE ZIP
 (941) 947-1200 (941) 947-3891
 TELEPHONE NUMBER FAX NUMBER

Bob Thinnies, AICP; O. Grady Minor & Associates, P.A.		
AGENT*		
3800 Via Del Rey		
ADDRESS		
Bonita Springs	Florida	34134
CITY	STATE	ZIP
(941) 947-1144		(941) 947-0375
TELEPHONE NUMBER		FAX NUMBER

Esterio 60 Acre Land Trust		
OWNER(s) OF RECORD		
3960 Via Del Rey		
ADDRESS		
Bonita Springs	Florida	34134
CITY	STATE	ZIP
(941) 947-1200		(941) 947-3891
TELEPHONE NUMBER		FAX NUMBER

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

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

II. REQUESTED CHANGE

A. TYPE: (Check appropriate type)

- ## 1. Text Amendment

2. Future Land Use Map Series Amendment
(Maps 1 thru 18)

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

B. SUMMARY OF REQUEST (Brief explanation and justification):

Change existing Rural Classification to Outlying Suburban. Surrounding
land use classifications and existing uses have land use densities equal
to or greater than Outlying Suburban. Rural is not consistent with
surrounding area.

III. PROPERTY SIZE AND LOCATION (for map amendments only)

A. Property Location:

1. Site Address: 4800 Pine Road
2. STRAP(s): 20-46-25-01-00009.0000

B. Property Information

Total Acreage of Property: 60.324[±]

Total Acreage included in Request: 60.324[±]

Area of each Existing Future Land Use Category: 60.324[±] Acres

Total Uplands: 52.424[±] Acres (includes 1.0 acre lake)

Total Wetlands: 7.9[±] Acres

Current Zoning: AG-2

Current Future Land Use Designation: Rural

Existing Land Use: Vacant

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

An area of Critical State Concern: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

D. Proposed (requested) Future Land Use Map Designation for the Subject Property:

Outlying Suburban

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 60 dwelling units; 1.0 D.U./Acre

Commercial intensity Maximum 100,000 square feet

Industrial intensity Not permitted

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 180 dwelling units; 3.0 D.U./Acre

Commercial intensity Maximum 100,000 square feet

Industrial intensity Not permitted

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of transmittal documents to the State, the applicant is encouraged to provide all data and analysis on a 3.5" or 5.25" MS-DOS Disk in either ASCII or WordPerfect 5.1/6.1.

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

*** ONLY pertains to a Future Land Use Map amendment**

1. Provide any proposed text changes.

2.* Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

- 3.* Map and describe existing land uses (not designations) of the subject property and surrounding properties.
- 4.* Map and describe existing zoning of the subject property and surrounding properties.
- 5.* Map and describe the soils found on the property and identify the source of the information.
- 6.* Provide a topographic map with property boundaries indicated and delineate 100-year flood prone areas as identified by FEMA.
- 7.* Provide a map delineating wetlands and aquifer recharge areas.
- 8.* Identify whether the site contains properties listed on the Florida Master Site File and locate the historic site on a map.
- 9.* Identify whether the site contains habitat for species listed by federal, state or local agencies as endangered, threatened or species of special concern (e.g. scrub) and locate the habitat on a map.
- 10.* The legal description(s) for the property subject to the requested change;
- 11.* A copy of the deed(s) for the property subject to the requested change;
- 12.* An aerial map showing the subject property and surrounding properties.
- 13.* If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the proposed development plan (see Part II.H.). If the applicant has no specific development plans for the property, public facilities impacts must be calculated on a worst case scenario.

- 1.* Provide a Traffic Circulation analysis which includes:
 - a. Roadways serving the site (indicate laneage, functional classification and right-of-way width), current LOS, and LOS standard;
 - b. LOS
 - Standard
 - Current
 - Projected 2020 LOS under existing designation;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

Whether the proposed development impacts road links projected to be at or below the LOS standard; and

- c. Anticipate improvements/expansions (including right-of-way acquisition, number of lanes, signalization, turn lanes, and/or redesignation of functional classification) needed as a result of the proposed amendment.
 - d. Planned improvements/expansions in the 5 year CIP, 6-10 year CIP, long range improvements.
 - e. Evaluated consistency of impact on adopted MPO plans and FDOT's 5-year Transportation Plan.
 - f. Based on a-e, are revisions to the Traffic Circulation and/or Capital Improvements element necessary/included in application.
- 2.* Provide a Sanitary Sewer analysis which includes:
- a. Sewer Franchise Area
 - b. Facilities serving the site, current LOS, and LOS standard;
 - c. Projected 2020 LOS under existing designation;
 - d. Projected 2020 LOS under proposed designation; and
 - e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
 - f. Based on a - e, are revisions to the Sanitary Sewer Sub-Element and/or Capital Improvements element necessary/included in the application.
- 3.* Provide a Potable Water analysis which includes:
- a. Potable Water Franchise Area
 - b. Facilities serving the site, current LOS, and LOS standard;
 - c. Projected 2020 LOS under existing designation;
 - d. Projected 2020 LOS under proposed designation; and
 - e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
 - f. Based on a - e, are revisions to the Potable Water Sub-Element and/or Capital Improvements element necessary/included in the application.
- 4.* Provide a Drainage/Surface Water Management analysis which includes:
- a. Surface Water/Drainage Basin
 - b. Facilities serving the site, current LOS, and LOS standard;
 - c. Projected 2020 LOS under existing designation;
 - d. Projected 2020 LOS under proposed designation; and
 - e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements

- f. Based on a - e, are revisions to the Surface Water Management Sub-Element and/or Capital Improvements element necessary/included in the application.

5.* Provide a Solid Waste analysis which includes:

- a. Solid Waste Franchise Area
- b. Facilities serving the site, current LOS, and LOS standard;
- c. Projected 2020 LOS under existing designation;
- d. Projected 2020 LOS under proposed designation; and
- e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- f. Based on a - e, are revisions to the Solid Waste Sub-Element and/or Capital Improvements element necessary/included in the application.

6.* Provide a Parks, Recreation and Open Space analysis which includes:

- a. Park Impact Fee District
- b. Facilities serving the site, current LOS, and LOS standard;
- c. Projected 2020 LOS under existing designation;
- d. Projected 2020 LOS under proposed designation; and
- e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- f. Based on a - e, are revisions to the Parks, Recreation and Open Space Element and/or Capital Improvements element necessary/included in the application.

7.* Provide a Mass Transit analysis which includes:

- a. Facilities serving the site, current LOS, and LOS standard;
- b. Projected LOS (indicate year) under existing designation;
- c. Projected LOS (indicate year) under proposed designation; and
- d. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- e. Based on a - d, are revisions to the Mass Transit sub-element and/or Capital Improvements element necessary/included in the application.

8.* Provide a letter from the appropriate agency determining the adequacy of existing or proposed support facilities, including:

- a. Fire protection with adequate response times;
- b. Emergency medical service (EMS) provisions;
- c. Law enforcement; and
- d. Schools.

C.* Environmental and Historic Resources Impacts

Provide an analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources.

D. Relationship to the Comprehensive Plan

1. Discuss how the proposal affects established county-wide population projections/accommodations.
2. Discuss how the proposal affects Map 17 "the Year 2010 Overlay" (including an analysis of the existing allocation and existing inventory).
3. Describe how the proposal affects adjacent local governments.
4. List objectives and policies of the Future Land Use element and other affected elements with which the proposed amendments is compatible.
5. List State Policy Plan and Regional Policy Plan goals and policies which are addressed by the plan amendment.

E. Additional Requirements for Specific Future Land Use Amendments

1.* Requests involving Industrial Land Use Category (to or from)

- a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals.
- b. If the site is located in a Rural area, describe the nature of the proposed industrial activity that warrants its location in a Rural area.

2.* Requests moving lands from a Non-Urban Area to a Future Urban Area

- a. State whether the proposed change constitute Urban Sprawl.
- b. Justification/need for more land designated for Future Urban Densities/ Intensities.

(h:\forms\pam.fm)

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Mr. Tom Bard
Fire Inspector
8013 Sanibel Boulevard
Fort Myers, FL 33912

RE: 4800 Pine Road, 60± Acres
STRAP No. 20-46-25-01-00009.0000

Dear Mr. Bard:

Our office is in the process of submitting an application to Lee County to amend the Lee County Future Land Use Map for the above referenced property. The existing land use classification is Rural and the proposed classification is Outlying Suburban. The Rural category permits 1.0 dwelling units per acre while the Outlying Suburban permits 3.0 dwelling units per acre.

The application requires that a letter be provided from your agency determining the adequacy of existing or proposed support facilities. Respectfully request your office provide our office with a letter of determination of those existing or proposed facilities. For your convenience, we are enclosing a copy of a Lee County tax map.

If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

Enclosure

F:D60

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

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ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Ms. Stephanie Keyes
Facilities Management
Lee County School Board
3800 Canal Street
Fort Myers, FL 33916

RE: 4800 Pine Road, 60± Acres
STRAP No. 20-46-25-01-00009.0000

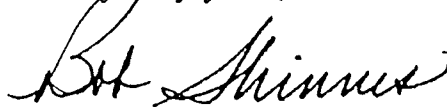
Dear Ms. Keyes:

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If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

Enclosure

F:D60

60 ACRES

5 Acres

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30' FPL easement
30' utility easement

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St. Joseph
Episcopal
Church

OUT
PARCEL

TRACT A

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ALLIANCE LN

FPL
Easement

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners

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ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Captain Powell
Lee County Sheriffs Office
14750 Six Mile Cypress Parkway
Fort Myers, FL 33912

RE: 4800 Pine Road, 60± Acres
STRAP No. 20-46-25-01-00009.0000

Dear Captain Powell:

Our office is in the process of submitting an application to Lee County to amend the Lee County Future Land Use Map for the above referenced property. The existing land use classification is Rural and the proposed classification is Outlying Suburban. The Rural category permits 1.0 dwelling units per acre while the Outlying Suburban permits 3.0 dwelling units per acre.

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Bob Thinnes, AICP

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TRACT A

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ALLIANCE IN

FPL
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ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Mr. Chris Hanson
EMS Program Manager
P.O. Box 398
Fort Myers, FL 33902-0398

RE: 4800 Pine Road, 60± Acres
STRAP No. 20-46-25-01-00009.0000

Dear Mr. Hanson:

Our office is in the process of submitting an application to Lee County to amend the Lee County Future Land Use Map for the above referenced property. The existing land use classification is Rural and the proposed classification is Outlying Suburban. The Rural category permits 1.0 dwelling units per acre while the Outlying Suburban permits 3.0 dwelling units per acre.

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If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

Enclosure

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September 21, 1998

Mr. Tom Bard
Fire Inspector
8013 Sanibel Boulevard
Fort Myers, FL 33912

RE: 4800 Pine Road, 60± Acres
STRAP No. 20-46-25-01-00009.0000

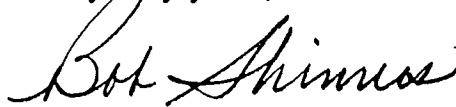
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Bob Thinnes, AICP

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September 21, 1998

Captain Powell
Lee County Sheriffs Office
14750 Six Mile Cypress Parkway
Fort Myers, FL 33912

RE: 4800 Pine Road, 60± Acres
STRAP No. 20-46-25-01-00009.0000

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If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

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St. Joseph
Episcopal
Church

ALLIANCE IN

TRACT A

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Easement

OUT
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SUBJECT

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

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MARK W. MINOR, P.E.
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ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Ms. Stephanie Keyes
Facilities Management
Lee County School Board
3800 Canal Street
Fort Myers, FL 33916

RE: 4800 Pine Road, 60± Acres
STRAP No. 20-46-25-01-00009.0000

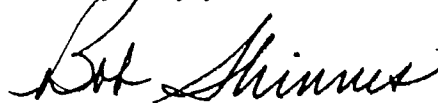
Dear Ms. Keyes:

Our office is in the process of submitting an application to Lee County to amend the Lee County Future Land Use Map for the above referenced property. The existing land use classification is Rural and the proposed classification is Outlying Suburban. The Rural category permits 1.0 dwelling units per acre while the Outlying Suburban permits 3.0 dwelling units per acre.

The application requires that a letter be provided from your agency determining the adequacy of existing or proposed support facilities. Respectfully request your office provide our office with a letter of determination of those existing or proposed facilities. For your convenience, we are enclosing a copy of a Lee County tax map.

If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

Enclosure

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← SUBJECT →

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Church

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ALLIANCE IN

TRACT A

00012
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FPL
Easement



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102 • FAX (941) 337-8378

September 23, 1998

Mr. Bob Thinnes
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Re: Request for Determination of Adequacy
Proposed Lee Plan Amendment, Estero, Section 20, Township 46 S., Range 25 E.

Dear Mr. Thinnes:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment you have submitted to Lee County. The proposed 60 acre existing Rural parcel could contain up to 60 dwelling units at one unit per acre. The proposed amendment to Outlying Suburban would increase the potential density to three units per acre, or 180 units. These units would generate approximately 38 public school students, creating a need for up to 2 new classrooms in the District.

The schools in the South region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be addressed by the applicant.

If you have any further questions or comments, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Facilities Management and Capital Projects

cc: Frederick Gutknecht, Director, Facilities Management and Capital Projects
Don Easterly, Program Manager
Dr. Ande Albert, Assistant Superintendent for Business/Administrative

DR. DOUGLAS SANTINI
CHAIRMAN • DISTRICT 1

PATRICIA ANN RILEY
VICE CHAIRMAN • DISTRICT 3

KATHERINE BOREN
DISTRICT 4

BILL GROSS
DISTRICT 5

LANNY MOORE, SR.
DISTRICT 2

BRUCE HARTER, PH.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

JAMES E. BAKER
STAFF ATTORNEY



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102 • FAX (941) 337-8378

PATRICIA ANN RILEY
CHAIRMAN • DISTRICT 3

KATHERINE BOREN
VICE CHAIRMAN • DISTRICT 4

TERRI K. WAMPLER
DISTRICT 1

LANNY MOORE, SR.
DISTRICT 2

LISA ROCKRUS
DISTRICT 5

BRUCE HARTER, PH.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

December 4, 1998

Mr. Paul O'Connor, AICP
Director, Division of Planning
P. O. Box 398
Ft. Myers, FL 33902

Re: Request for Determination of Adequacy
Proposed Lee Plan Amendment, Estero, PAM 98-06

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposed 60.324 acre existing Rural parcel could contain up to 60 dwelling units at one unit per acre. This would generate approximately 12 public school students, based on an estimated student generation rate of .21 per dwelling unit for Estero, creating a need for 1 new classroom in the District. According to the FY 98-99 District budget, expenditures per Full Time Equivalent (FTE) student are \$5,876.00, creating a financial impact of \$70,512.00 to the District.

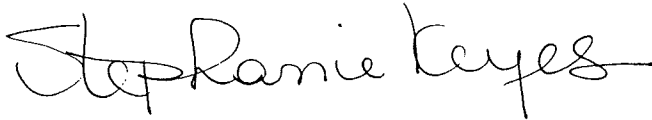
The proposed amendment to Outlying Suburban would increase the potential density to three units per acre, or 180 units. These units would generate approximately 38 public school students, creating a need for up to 2 new classrooms in the District and a financial impact of \$223,288.00. Thus, the proposed plan amendment would create an additional impact of 26 new students and one new classroom over and above the existing land use category now assigned the property. The net difference would create a financial impact of \$152,776.00 to the District.

The schools in the South region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. However, through the District's Five Year Capital Plan, improvements are currently being made at selected schools throughout the South region, which will thereby accommodate this anticipated increased student development. A financial impact analysis would be necessary to

determine if the proposed project's expected tax revenues would offset the financial impact to the District.

If you have any further questions or comments, please give me a call.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Keyes". The signature is written in a cursive style with a large, stylized 'S' at the beginning.

Stephanie Keyes, Facilities Planner
Facilities Management and Capital Projects

cc: Frederick Gutknecht, Director, Facilities Management and Capital Projects
Don Easterly, Program Manager
Dr. Ande Albert, Assistant Superintendent for Business/Administrative
file

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: December 18, 1998

To: Matt Noble
Division of Planning

FROM: 
Mike Carroll
Development Services

RE: PAM 98-06
Estero 60-acre Land Trust

The proposed amendment to the Lee County Land Use Map is to change the land use category from Rural to Outlying Suburban. The change in category would allow the maximum density for residential uses to increase from 1.0 dwelling unit per acre to 3.0 dwelling units per acre which would allow an increase of up to 120 additional residences.

The property is within the franchise area of Gulf Utilities but sewer and water lines have not been extended close to this property. The application indicates that wells and septic tanks will be used for potable water and sewage disposal so there would be no impact on the utility company's water treatment plant or sewage treatment plant.

We would expect a potential increase in the population of about 251 people. There would be a potential increase of 0.86 tons/day of solid waste. The Lee County Waste to Energy Facility has sufficient capacity to handle this potential increase for the foreseeable future.

The more intense development should have no effect on the flooding of evacuation routes if the projects stormwater manage facilities do not block the flow of stormwater towards Estero Bay to the west.

The potential increased population is 251 residents. These residents will require 1.50 acres of regional parks to meet the required level of service (LOS) and 2.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the Year 2004. However, the desired LOS will probably not be met in 2004.

The residents will require 4.39 acres of community parks to meet the required LOS standard and 5.02 acres to meet the desired LOS standard. There is sufficient acreage to meet the required LOS standard through the Year 2004. However, the desired LOS standard was not met in 1997. The only new park or addition planned in Community Park Impact Fee District 4 is a 3-acre addition at Bay Oaks park on Ft. Myers Beach which is not large enough to meet the desired LOS in 1998 or later.

The increased residential units will generate about 84 additional trips in the a.m. peak hour and 114 additional trips in the p.m. peak hour. Direct access will be to Pine Road which is a local road. Level of Service is not determined for local roads. Pine Road intersects U.S. 41 as a right-in/right-out access. This property, if developed at a higher density will increase the number of U-turn movements made at the median openings on U.S. 41 north and south of Pine Drive which is in a very undesirable condition. The segment of U.S. 41 at Pine Drive operates at LOS B. If all projects with approved development orders are constructed the LOS would fall to C. Development of this property as proposed will not reduce the LOS below C.

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

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MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

January 7, 1999


Mr. Matt Noble
Lee County Planning Department
1500 Monroe Street
Fort Myers, FL 33901

RE: San Carlos Grove, Comprehensive Plan Amendment, #98-06

Dear Mr. Noble:

Our office respectfully requests that the above referenced subject not be placed on the January 25, 1999 LPA Agenda. If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

cc: Andy DeSalvo

F:D60

LEE COUNTY
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99 JAN 11 AM 8:41
PLANNING DEPT.
SECOND FLOOR



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102 • FAX (941) 337-8378

September 23, 1998

Mr. Bob Thinnest
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Re: Request for Determination of Adequacy
Proposed Lee Plan Amendment, Estero, Section 20, Township 46 S., Range 25 E.

Dear Mr. Thinnest:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment you have submitted to Lee County. The proposed 60 acre existing Rural parcel could contain up to 60 dwelling units at one unit per acre. The proposed amendment to Outlying Suburban would increase the potential density to three units per acre, or 180 units. These units would generate approximately 38 public school students, creating a need for up to 2 new classrooms in the District.

The schools in the South region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be addressed by the applicant.

If you have any further questions or comments, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Facilities Management and Capital Projects

cc: Frederick Gutknecht, Director, Facilities Management and Capital Projects
Don Easterly, Program Manager
Dr. Ande Albert, Assistant Superintendent for Business/Administrative

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BRUCE HARTER, PH.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

JAMES E. BAKER
STAFF ATTORNEY


BOARD OF COUNTY COMMISSIONERS
DEVELOPMENT SERVICES RECEIPT

2087

9X-06 CNT/4

DATE: 09/30/98
CASE NUMBER: 98-09-295-095 01.01
STRAP NUMBER: 20 46 25 01 00009 0000
DESCRIPTION: CFB COM PLAN MAP AMEND
RECEIVED FROM: ESTERO 60 ACRE LAND TRUIT

#	AMOUNT	#	AMOUNT
0100		0505	
0210		0506	
0215		0508	
0220		0510	
0300		0700	
0350		0800	580 ⁰⁰
0501		0900	
0502		2000	
0503		341100-0000	
0504		345900-0000	

MAPS/ DOCS/ COPIES: # X =
CASH: CHECK # TOTAL AMOUNT: 580⁰⁰
BY: 

Pine Road
RECEIVED

NOV 20 1998



APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

FOR OFFICE USE ONLY

REQUEST NO: PAM 98-06 DATE REC'D: 9/30/98
APPLICATION FEE: \$1580 RECEIPT NO: 2087
SUFFICIENCY DATE: _____ BY: _____

BoCC TRANSMITTAL HEARING DATE: _____

BoCC ADOPTION HEARING DATE: _____

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

APPLICANT PLEASE NOTE:

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

Submit 2 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency and Board of County Commissioners hearings.

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

9/29/98 Bob Thinner Bob Thinner, AICP; O. Grady Minor & Associates, P.A.
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Estero 60 Acre Land Trust
APPLICANT
3960 Via Del Rey
ADDRESS
Bonita Springs Florida 34134
CITY STATE ZIP
(941) 947-1200 (941) 947-3891
TELEPHONE NUMBER FAX NUMBER

Bob Thinnes, AICP; O. Grady Minor & Associates, P.A.
AGENT*
3800 Via Del Rey
ADDRESS
Bonita Springs Florida 34134
CITY STATE ZIP
(941) 947-1144 (941) 947-0375
TELEPHONE NUMBER FAX NUMBER

Estero 60 Acre Land Trust
OWNER(s) OF RECORD
3960 Via Del Rey
ADDRESS
Bonita Springs Florida 34134
CITY STATE ZIP
(941) 947-1200 (941) 947-3891
TELEPHONE NUMBER FAX NUMBER

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

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

II. REQUESTED CHANGE

A. TYPE: (Check appropriate type)

1. Text Amendment

2. Future Land Use Map Series Amendment
(Maps 1 thru 18)

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

Map #1

B. SUMMARY OF REQUEST (Brief explanation and justification):

Change existing Rural Classification to Outlying Suburban. Surrounding
land use classifications and existing uses have land use densities equal
to or greater than Outlying Suburban. Rural is not consistent with
surrounding area.

III. PROPERTY SIZE AND LOCATION (for map amendments only)

A. Property Location:

1. Site Address: 4800 Pine Road
2. STRAP(s): 20-46-25-01-00009.0000

B. Property Information

Total Acreage of Property: 60.324[±]

Total Acreage included in Request: 60.324[±]

Area of each Existing Future Land Use Category: 60.324[±] Acres

Total Uplands: 52.424[±] Acres (includes 1.0 acre lake)

Total Wetlands: 7.9[±] Acres

Current Zoning: AG-2

Current Future Land Use Designation: Rural

Existing Land Use: Vacant

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

An area of Critical State Concern: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

D. Proposed (requested) Future Land Use Map Designation for the Subject Property:

Outlying Suburban

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	<u>60 dwelling units; 1.0 D.U./Acre</u>
Commercial intensity	<u>Maximum 100,000 square feet</u>
Industrial intensity	<u>Not permitted</u>

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	<u>180 dwelling units; 3.0 D.U./Acre</u>
Commercial intensity	<u>Maximum 100,000 square feet</u>
Industrial intensity	<u>Not permitted</u>

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of transmittal documents to the State, the applicant is encouraged to provide all data and analysis on a 3.5" or 5.25" MS-DOS Disk in either ASCII or WordPerfect 5.1/6.1.

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

*** ONLY pertains to a Future Land Use Map amendment**

1. Provide any proposed text changes.
- 2.* Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

- 3.* Map and describe existing land uses (not designations) of the subject property and surrounding properties.
- 4.* Map and describe existing zoning of the subject property and surrounding properties.
- 5.* Map and describe the soils found on the property and identify the source of the information.
- 6.* Provide a topographic map with property boundaries indicated and delineate 100-year flood prone areas as identified by FEMA.
- 7.* Provide a map delineating wetlands and aquifer recharge areas.
- 8.* Identify whether the site contains properties listed on the Florida Master Site File and locate the historic site on a map.
- 9.* Identify whether the site contains habitat for species listed by federal, state or local agencies as endangered, threatened or species of special concern (e.g. scrub) and locate the habitat on a map.
- 10.* The legal description(s) for the property subject to the requested change;
- 11.* A copy of the deed(s) for the property subject to the requested change;
- 12.* An aerial map showing the subject property and surrounding properties.
- 13.* If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the proposed development plan (see Part II.H.). If the applicant has no specific development plans for the property, public facilities impacts must be calculated on a worst case scenario.

- 1.* Provide a Traffic Circulation analysis which includes:
 - a. Roadways serving the site (indicate laneage, functional classification and right-of-way width), current LOS, and LOS standard;
 - b. LOS
 - Standard
 - Current
 - Projected 2020 LOS under existing designation;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

Whether the proposed development impacts road links projected to be at or below the LOS standard; and

- c. Anticipate improvements/expansions (including right-of-way acquisition, number of lanes, signalization, turn lanes, and/or redesignation of functional classification) needed as a result of the proposed amendment.
 - d. Planned improvements/expansions in the 5 year CIP, 6-10 year CIP, long range improvements.
 - e. Evaluated consistency of impact on adopted MPO plans and FDOT's 5-year Transportation Plan.
 - f. Based on a-e, are revisions to the Traffic Circulation and/or Capital Improvements element necessary/included in application.
- 2.* Provide a Sanitary Sewer analysis which includes:
- a. Sewer Franchise Area
 - b. Facilities serving the site, current LOS, and LOS standard;
 - c. Projected 2020 LOS under existing designation;
 - d. Projected 2020 LOS under proposed designation; and
 - e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
 - f. Based on a - e, are revisions to the Sanitary Sewer Sub-Element and/or Capital Improvements element necessary/included in the application.
- 3.* Provide a Potable Water analysis which includes:
- a. Potable Water Franchise Area
 - b. Facilities serving the site, current LOS, and LOS standard;
 - c. Projected 2020 LOS under existing designation;
 - d. Projected 2020 LOS under proposed designation; and
 - e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
 - f. Based on a - e, are revisions to the Potable Water Sub-Element and/or Capital Improvements element necessary/included in the application.
- 4.* Provide a Drainage/Surface Water Management analysis which includes:
- a. Surface Water/Drainage Basin
 - b. Facilities serving the site, current LOS, and LOS standard;
 - c. Projected 2020 LOS under existing designation;
 - d. Projected 2020 LOS under proposed designation; and
 - e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements

- f. Based on a - e, are revisions to the Surface Water Management Sub-Element and/or Capital Improvements element necessary/included in the application.
- 5.* Provide a Solid Waste analysis which includes:
 - a. Solid Waste Franchise Area
 - b. Facilities serving the site, current LOS, and LOS standard;
 - c. Projected 2020 LOS under existing designation;
 - d. Projected 2020 LOS under proposed designation; and
 - e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
 - f. Based on a - e, are revisions to the Solid Waste Sub-Element and/or Capital Improvements element necessary/included in the application.
- 6.* Provide a Parks, Recreation and Open Space analysis which includes:
 - a. Park Impact Fee District
 - b. Facilities serving the site, current LOS, and LOS standard;
 - c. Projected 2020 LOS under existing designation;
 - d. Projected 2020 LOS under proposed designation; and
 - e. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
 - f. Based on a - e, are revisions to the Parks, Recreation and Open Space Element and/or Capital Improvements element necessary/included in the application.
- 7.* Provide a Mass Transit analysis which includes:
 - a. Facilities serving the site, current LOS, and LOS standard;
 - b. Projected LOS (indicate year) under existing designation;
 - c. Projected LOS (indicate year) under proposed designation; and
 - d. Improvements/expansions already programmed in 5 year CIP, 6-10 year CIP, and long range improvements
 - e. Based on a - d, are revisions to the Mass Transit sub-element and/or Capital Improvements element necessary/included in the application.
- 8.* Provide a letter from the appropriate agency determining the adequacy of existing or proposed support facilities, including:
 - a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement; and
 - d. Schools.

C.* Environmental and Historic Resources Impacts

Provide an analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources.

D. Relationship to the Comprehensive Plan

1. Discuss how the proposal affects established county-wide population projections/accommodations.
2. Discuss how the proposal affects Map 17 "the Year 2010 Overlay" (including an analysis of the existing allocation and existing inventory).
3. Describe how the proposal affects adjacent local governments.
4. List objectives and policies of the Future Land Use element and other affected elements with which the proposed amendments is compatible.
5. List State Policy Plan and Regional Policy Plan goals and policies which are addressed by the plan amendment.

E. Additional Requirements for Specific Future Land Use Amendments

1.* Requests involving Industrial Land Use Category (to or from)

- a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals.
- b. If the site is located in a Rural area, describe the nature of the proposed industrial activity that warrants its location in a Rural area.

2.* Requests moving lands from a Non-Urban Area to a Future Urban Area

- a. State whether the proposed change constitute Urban Sprawl.
- b. Justification/need for more land designated for Future Urban Densities/ Intensities.

(h:\forms\pam.fm)

SECTION IV.B.1. TRAFFIC CIRCULATION

The property is served by Pine Road, a two-lane local road. The right-of-way width varies. Much of the property along Pine Road is currently vacant. Traffic counts are not available for Pine Road, but would be expected to be well above LOS C volumes. The proposed project is expected to add less than 200 peak hour trips to the local road. Addition of this volume of traffic would not be expected to reduce the level of service for the roadway. It is not expected that the requested designation would require any revisions to Traffic Circulation or Capital Improvements elements.

SUMMARY OF TRIP GENERATION CALCULATION
FOR 180 DWELLING UNITS OF SINGLE FAMILY DWELLINGS
9-22-98

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	9.89	0.00	1.00	1780
7-9 AM PK HR ENTER	0.19	0.00	1.00	34
7-9 AM PK HR EXIT	0.56	0.00	1.00	102
7-9 AM PK HR TOTAL	0.75	0.00	1.00	135
4-6 PM PK HR ENTER	0.65	0.00	1.00	117
4-6 PM PK HR EXIT	0.36	0.00	1.00	66
4-6 PM PK HR TOTAL	1.01	0.00	1.00	182
SATURDAY 2-WAY VOL	10.09	0.00	1.00	1816
PK HR ENTER	0.51	0.00	1.00	92
PK HR EXIT	0.44	0.00	1.00	78
PK HR TOTAL	0.95	0.00	1.00	171
SUNDAY 2-WAY VOL	8.77	0.00	1.00	1578
PK HR ENTER	0.47	0.00	1.00	85
PK HR EXIT	0.42	0.00	1.00	75
PK HR TOTAL	0.89	0.00	1.00	160

Note: A zero rate indicates no rate data available

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .92LN(X) + 2.707, R^2 = .96$
 7-9 AM Peak Hr. Total: $T = .7(X) + 9.477$
 $R^2 = .89, .25 \text{ Enter}, .75 \text{ Exit}$
 4-6 PM Peak Hr. Total: $LN(T) = .901LN(X) + .527$
 $R^2 = .91, .64 \text{ Enter}, .36 \text{ Exit}$
 AM Gen Pk Hr. Total: $T = .704(X) + 12.09$
 $R^2 = .89, .25 \text{ Enter}, .75 \text{ Exit}$
 PM Gen Pk Hr. Total: $LN(T) = .887LN(X) + .605$
 $R^2 = .91, .64 \text{ Enter}, .36 \text{ Exit}$
 Sat. 2-Way Volume: $LN(T) = .956LN(X) + 2.54, R^2 = .92$
 Sat. Pk Hr. Total: $T = .886(X) + 11.065$
 $R^2 = .9, .54 \text{ Enter}, .46 \text{ Exit}$
 Sun. 2-Way Volume: $T = 8.832(X) + -11.604, R^2 = .94$
 Sun. Pk Hr. Total: $T = .756(X) + 23.815$
 $R^2 = .86, .53 \text{ Enter}, .47 \text{ Exit}$

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

SECTION IV.B.2.
SANITARY SEWER

The property lies within the franchise area of Gulf Environmental Services, Inc. There are no sanitary sewer facilities within one quarter mile of this site, therefore, this site will utilize individual on-site septic systems per Florida Administrative Code Chapter 64E-6, Standards for Onsite Sewage Treatment and Disposal Systems.

**SECTION IV.B.3.
POTABLE WATER**

Potable water is available to the site. The franchise area is Gulf Environmental Services, Inc. Conversations with personnel at the water utility indicate that adequate flow and pressure are available.

SECTION IV.B.4.
DRAINAGE/SURFACE WATER MANAGEMENT

Surface water management will be provided by a series of lakes, connecting culverts and outfall structure. All will be permitted through the South Florida Water Management District and will comply with their rules and regulations.

SECTION IV.B.5. SOLID WASTE

The subject site is located within the Gulf Disposal franchise area. Projected 2020 LOS under the existing Rural land and proposed Outlying Suburban land use categories is calculated on the current rate of 0.97 tons per dwelling per year. Based upon this figure, the existing Rural category would generate 58.2 tons of solid waste and the Outlying Suburban category would generate 174.6 tons per dwelling, consequently, revisions to the Solid Waste Sub-Element or the Capital Improvements element are unnecessary and, therefore, not included in the application.

SECTION IV.B.6.
PARKS, RECREATION AND OPEN SPACE

The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero.

SECTION IV.B.7. MASS TRANSIT

The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary.

SECTION IV.C. SPECIES HABITAT

The subject site consists of 87% palmetto, identified as Code 321 according to the Florida Land Use, Cover and Forms Classification System. The remainder of the site is melaleuca wetlands and an existing borrow pit. A gopher tortoise was observed on the site.

ADDITIONAL CONSULTANTS

Q. Grady Minor, P.E.; Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134
(941) 947-1144 (W)
(941) 947-0375 (F)

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

December 19, 2001

Mr. Peter Blackwell
Lee County Development Services
P.O. Box 398
Fort Myers, FL 33902-0398

RE: PAM 98-06 (Estero 60 Acres)

Dear Mr. Blackwell:

We have prepared this response with additional data and analysis to the Florida Department of Community Affairs (DCA) Objections, Recommendations, and Comments report (ORC), dated November 21, 2001, relating to PAM 98-06. The ORC report issued by the DCA objects to the proposed 60-acre plan amendment and cites as a basis for the objection that the property is habitat for a variety of endangered and threatened species. The report also states that increasing density from one dwelling unit per acre to two dwelling units per acre will result in increased run-off from the site into preservation areas and concerns over septic tank leakage and contamination into Estero Bay. Lastly, the report states that the proposed amendment will impact U.S. 41 which does not have the capacity to accommodate the amendment.

There is no basis or evidence in the record supporting the objections to the amendment. We disagree with the findings and recommendation, and submit that the plan amendment should be adopted as transmitted to the DCA. The proposed amendment is logical and can be supported for the following reasons:

1. The property is located immediately adjacent to Urban designated lands and the existing land use pattern is clearly not rural or agricultural in nature.
2. The property is within an area having franchised water and sewer service available to serve residential development.
3. The development intensity and impacts to existing uplands resulting from the proposed amendment is no greater than that permitted under its current rural agricultural designation and zoning, which permits intensive agricultural operations, churches and schools.

LEE COUNTY
RECEIVED
01 DEC 21 AM 9:27
COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

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4. A listed species survey indicates that gopher tortoise are present on the site, and can be relocated in accordance with an approved management plan.
5. The amendment does not impact the level of service standard on U.S. 41.

The subject 60 acre property proposes to amend the Lee County Future Land Use Map to change the future land use designation from rural to outlying suburban, with a density cap of two dwelling units per acre. The site is located at the terminus of Pine Road. The property currently has the land use designations: rural, urban and wetlands. Properties immediately to the east and south are developed with St. Joseph's Episcopal Church, single-family homes and recreational vehicles at approximately three to eight dwelling units per acre. The prevailing pattern of adjacent and surrounding suburban and urban developments can be clearly seen in the Exhibit dated May 21, 2001 prepared by Lee County. These properties are designated suburban and urban. Based on existing and future land uses, the subject property is not "rural" in nature. A review of the Lee Plan Future Land Use Map (attached) also demonstrates a significant land use relationship near Estero Bay. The subject property consisting of 60± acres and a small area north of the property represents the only rural designated lands around Estero Bay. Areas north of Coconut Road are designated outlying suburban, areas near Alico Road are designated suburban and urban. These land use designations, having similar proximity to Estero Bay, permit residential densities up to 200% greater than that proposed by PAM-98-06. The subject property is located approximately one-half mile east of Estero Bay and is separated from the Bay by the Estero scrub preserve, which was purchased as a buffer to Estero Bay. The proposed plan amendment is consistent with the Lee Plan designation of similarly situated properties and because of the further limitation to two dwelling units per acre, will represent one of the least intensive land use categories in and around Estero Bay.

The Lee Plan in Policy 1.4.1 states that rural areas are to remain predominantly rural—that is low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The site is located within the service area for Gulf Environmental Services. Water service is available to the site. Sewer service is available at U.S. 41, approximately ½ mile east of the subject property.

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The pattern of nearby development is clearly not rural in nature. Furthermore, potential conversion of the site to any number of active agricultural land uses permitted by right under the current Rural land use designation, and AG-2 zoning could have greater potential for negative environmental and compatibility issues with surrounding properties. Attached are portions of the Lee County Land Development Code, which define and identify agricultural uses that are currently permitted by right on the subject property. Agricultural uses permitted include:

1. pasturage,
2. row crop production,
3. hog or cattle ranching,
4. dairy farming,
5. landscape nurseries, or
6. citrus production,
7. u-pick operations

These are all intense agricultural operations that will result in the property being cleared and intensively utilized to support the agricultural activity. Some of the uses will not require any review or permitting by Lee County prior to the site clearing or usage. Other non-agricultural uses permitted in the AG-2 zoning district and in the Rural designation include:

1. public schools,
2. places of worship (churches),
3. communication tower,
4. home care facility,
5. park,
6. residential dwellings, including mobile homes, and conventional single-family

We believe that the DCA did not adequately consider the potential environmental impacts associated with the permitted agricultural use of the subject property in its initial recommendation. Further, we do not believe, that given the surrounding pattern of residential development and a future land use designation that permits additional residential development, that the most compatible land use relationship is that of intensive agricultural use. Farming operations are not restricted with respect to noise, odors, or hours of operation and could be deemed incompatible with nearby urban development. We believe that the most appropriate land use designation is the proposed Outlying Suburban category, with the density limitation at two dwelling units per acre. This designation will permit low density residential development on the subject property consistent with the surrounding land use pattern, and provide the opportunity to provide the environmental protection measures outlined below in our discussion of environmental site issues.

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Below, we have addressed the key points of objection raised by the DCA:

1. The site is habitat to a variety of endangered and threatened species.

A species survey has been conducted according to the requirements of Lee County. This information is included as an attachment to this submittal. The survey found signs of gopher tortoise on site. This survey indicated 23 active burrows and 17 inactive burrows. Using a conversion factor of 0.4 it is estimated approximately 16 tortoises are located on the project site. Since gopher frogs and the Eastern indigo snake are sometimes considered a commensal species with the gopher tortoises, these two species are also indicated as possibly present on the project site. A preliminary management plan for the gopher tortoises is included in the attachment.

It is anticipated that an incidental take permit will be obtained and the gopher tortoises will be relocated out of harm's way to the open space provided in the southwestern portion of the site. Any gopher frogs that are found in the burrows will be relocated to the starter burrows that will be constructed in the recipient site in the southwestern portion of the site. To address the potential presence of the Eastern indigo snake measures will be implemented during construction to prevent any harm to this species. Specifics of the Eastern indigo snake protection plan are included in the attachment.

Several additional management activities will be implemented to provide for further protection of listed species. There is a bald eagle nest located south of the project site. This nest is LE 04A. A map is attached that shows the approximate location of the nest in relationship to the project boundaries. This nest appears to be approximately 1200 feet south of the property line, which would extend the secondary buffer zone approximately 300 feet into the southwestern portion of the Pine Road 60 Tract. All construction within this buffer zone will be done outside of the nesting season, following the FWS guidelines for the protection of the Bald Eagle.

The Big Cypress Fox Squirrel was not observed during the species survey, but some stick nests were found in melaleuca trees. To insure the protection of the Big Cypress Fox Squirrel, the site will be re-surveyed for the Big Cypress Fox Squirrel prior to any development approvals. If signs of fox squirrels are found at that time, a management plan will be implemented that will provide a no construct buffer around the nest until nesting is completed.

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Signs of the Florida black bear were found during the species survey work for the former owner of the Estero Scrub Preserve lands. These signs were found in the tidal flats located approximately 2700 feet west of the Pine Road 60 Tract. No signs of the Florida Black Bear were found on site, but to provide further protection for the species a management plan will be implemented. This plan will include distribution to the homeowners pamphlets with instructions and requirements for refuse containment along with educational material about the Florida black bear protection regulations.

No signs of listed wading birds or wetland dependent species such as the American alligator were observed during the survey. This is not surprising since the wetlands were surveyed during the dry season. The removal of exotics and the enhancement of the slough should maintain suitable habitat for these species after development.

No listed plants were observed during the survey work. Should any listed plants be found during the anticipated future survey work, they will be relocated to the native preserve areas that will be provided on site.

With the implementation of these listed species management activities, the Pine Road 60 project should have no adverse impact on listed species.

Comprehensive Land Use Discussion

OBJECTIVE 77.1: RESOURCE MANAGEMENT PLAN. The county shall continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

The proposed land use change is consistent with this Objective. The project has been designed to maintain and enhance the wetland slough system located along the eastern property boundaries. Upland buffers that average 25 feet in width along with several other larger areas of uplands, will be maintained between the development limits and the wetland preserve area. All of the wetland impacts proposed are to exotic invaded isolated wetlands that are not contiguous or interconnected to the major slough system. Mitigation for these impacts will be provided through the removal of exotics and the enhancement of the slough system. This system will be contiguous to the wetlands located north, south and east of the project site and will function as a productive unit after development.

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POLICY 77.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

The proposed land use change is consistent with this Policy. The Estero Scrub Preserve Lands are located to the west and south of the project site. There is a power line easement west of the Pine Road 60 Tract that runs on a northwest to southeast angle. This power line easement crosses the southwestern portion of the Pine Road 60 Tract. On the west side of the project site, the cleared easement is approximately 100 feet in width. An access trail is located west of this easement for that portion of the easement that lies west of the project site. The cleared easement and access trail have already disturbed and altered the scenic values of the lands to the west of the project site. To further protect the natural character of the adjacent Estero Scrub Preserve Lands, a buffer consisting of a native shrub hedge interspersed with live oak trees can be placed at the back of the lots that abut the preserve lands. This will provide a visual buffer as well as a definitive boundary between the public and private lands.

OBJECTIVE 77.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.

The proposed plan amendment is consistent with this objective. The wildlife management activities that will be implemented will protect the listed species that may utilize the project site. The removal of exotics and enhancement of the slough along the eastern portion of the property will provide improved wildlife value and diversity to the system. Additionally, residential development will construct a minimum of 6 acres of lake area which will provide habitat for fish and wading birds.

POLICY 77.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

The plan amendment is consistent with this Policy. The project will maintain upland buffers adjacent to the wetland preserve areas. Additional upland preservation areas are also located in the southwestern portion of the site.

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OBJECTIVE 77.4: ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

The proposed plan amendment will permit residential density at a maximum of two dwelling units per acre. Any residential development will be designed in accordance with applicable County, State or Federal permitting guidelines and standards. Enclosed with this response are copies of proposed management plan for the gopher tortoise which is the only threatened species observed on the site. No endangered species were observed on the site.

POLICY 77.4.1: Identify, inventory and protect flora and fauna indicated as endangered, threatened or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida", Florida Game and Freshwater fish Commission, as periodically updated. Lee county's Protected Species regulations shall be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development. There shall be a funding commitment of one full-time environmental planner to enforce this ordinance through the zoning and development review process. (Amended by Ordinance No. 92-48, 94-30).

The survey indicated there are no protected, threatened or endangered plant species on the property. The gopher tortoise is the only threatened species observed on-site. At the time of local development approval for any development on the site, the project will be subject to review for consistency with the Lee County Land Development Code requirements, Chapter 10, Development Standards and Chapter 14, Environment and Natural Resources. These Chapters address standards for open space, surface water management, habitat and wildlife protection.

POLICY 77.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

This policy is not applicable. There are no rare or endangered plant or animal species on the site. The management activities that will be implemented will protect the listed species found on the project site.

Policy 83.1.5: Lee County shall protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

This plan amendment is consistent with this policy. The Pine Road 60 Tract limits wetland impacts to the small isolated melaleuca invaded wetlands. Mitigation will be provided for all wetland impacts. These wetlands are not estuarine, mangrove stands, undeveloped tidal creeks or inlets or marine grass beds. The wetlands on the project site are freshwater melaleuca wetlands. The project site is not on a barrier island, a beach or on a dune system. The site does not contain habitat designated as critical habitat for listed species.

2. Increased run-off will result from increasing density from 1 dwelling unit/acre to 2 dwelling units/acre.

We disagree with this objection. Development of any project will be subject to the review and permitting criteria of the South Florida Water Management District. Off-site discharges are regulated by requiring that a project is designed and operated so that off-site discharges meet strict water quality standards set in Chapter 17-302, FAC.

Under the Current Lee Plan designation and zoning, due to the required minimum lot size requirements, residential development is not required to retain any indigenous vegetation on the site. Further, the existing zoning and land use designation permits schools, churches, agricultural production, and other land uses that could be considered much more intensive and thereby potentially create environmental impacts off-site. A low-density residential development of up to 2 dwelling units per acre can be designed so that any potential environmental impacts can be minimized.

The water management system will consist of lakes and natural storage areas for storing and treating excess stormwater runoff from the development site. The post development runoff will not exceed existing predevelopment runoff. The statement in the ORC Report that the increase in density will result in an increased runoff from the site into the preservation area and has the potential to adversely impact this environmentally sensitive resource is not correct.

Discharge from this property will take place through a weir control structure and spreader swale which will then allow the excess stormwater to exit the site via the wetland slough system and slowly exit the site which will emulate natural conditions prior to development.

As required by SFWMD, a buffer will be designed along the wetland slough system which will be an average of 25 feet in width. The water management system will be designed to maintain historic water table elevations for the site.

3. The project will utilize septic systems.

The proposed plan amendment does not in itself propose future residential development to be serviced by septic systems. The existing and proposed residential densities would permit development with septic systems. The property is within the service area of Gulf Environmental Services and future development will have the option of connecting to the Gulf Environmental Services sanitary sewage system, or to develop with individual septic systems. A clustered residential development would be serviced by sanitary sewage collection, while larger lot single family development could be served by individual septic systems.

Chapter 64 E-6 of the Florida Administrative Code contains standards for design and maintenance for individual septic systems. Such systems are required to be sited, installed and maintained so that health hazards do not result of domestic water supply, groundwater, or surface water. Individual on-site septic systems, if utilized, can function without harming adjacent properties or Estero Bay. Other nearby and surrounding residential and non-residential uses have developed with similar or more intensive land uses with no known impacts to the Estero Bay system.

4. Traffic Impacts to U.S. 41.

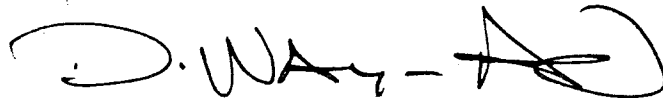
The Lee County staff report for PAM 98-06 stated in its summary to the Lee County Board of Commissioners that U.S. 41 will operate at LOS F in the year 2020. In an inter-department memorandum dated May 16, 2001, Lee County Development Review staff note that U.S. 41 currently operates at LOS B at the nearest intersection. The memo indicates that if all development orders are constructed, the LOS on U.S. 41 would drop to LOS C. The memo concludes that development of the property will not reduce the LOS below level C. This development will pay road impact fees to mitigate its impact to the County roadway system.

Mr. Peter Blackwell
RE: PAM 98-06 (Estero 60 Acres)
December 19, 2001
Page 10

A copy of staff's memoranda relating to transportation have been attached for reference.

Based on the information submitted in support of the original application, and supplemental data and analysis provided with this correspondence, it is our opinion that the proposed amendment is consistent with Goals, Objectives and Policies of the Lee Plan and should be adopted as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Arnold", with a stylized flourish at the end.

D. Wayne Arnold, AICP

DWA:dr

Enclosures

cc: Bernard Piawah, Department of Community Affairs
Andy DeSalvo
Neale Montgomery

Pine Road 60
S 20 / T 46S / R 25E

Protected Species Survey

Boylan
Environmental
Consultants, Inc.

*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (941) 418-0671 Fax: (941) 418-0672

December 11, 2001

INTRODUCTION

Environmental scientists from Boylan Environmental Consultants, Inc conducted field investigations on the +/- 60.32 acre property during the week of July 9 and December 10, 2001 to identify the presence of protected species and potential occupied habitat. Specifically, the July survey periods covered the upland, palmetto prairie dominated areas and the December survey the melaleuca slough on the east. The weather conditions in July were full sun on one day and overcast the other with temperatures in the lower 90°'s and in the upper 70°'s in December

The project site is located at the end of Pine Road, west of U.S. 41 in Estero in Section 20, Township 46 South, Range 25 East, Lee County.

METHODOLOGY

The survey was comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Next, the FLUCCS codes are cross-referenced with a Potential Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCCS community. The table at end of the report lists the FLUCCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Overlapping transects were walked with specific attention placed on locating Gopher Tortoise burrows in the uplands and potential fox squirrel nests in the wetlands.

SITE CONDITIONS

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions.

321/411, Saw Palmetto – Slash Pine (43.32 acres)

This community is dominated by saw palmetto in the understory and slash pine in the canopy; canopy coverage is approximately 20% or less. Other predominant vegetation includes melaleuca, tarflower, pennyroyal, wiregrass, and saltbush. There are two small clumps of areas containing numerous live oak in the south; these areas are too small to map. This community is considered uplands by Lee County and the SFWMD.

321/421, Saw Palmetto – Dog Hair Melaleuca (5.07 acres)

This community is dominated by saw palmetto in the understory and dog hair melaleuca in the midcanopy. Other vegetation includes wiregrass, saltbush, and yellow – eyed grass. This community is considered uplands by Lee County and the SFWMD.

424, Melaleuca (0.35 acres)

This community is an isolated melaleuca patch in the northwest portion of the site. Groundcover is virtually non – existent. This community is considered uplands by Lee County and the SFWMD.

424H, Melaleuca Wetlands (7.80 acres)

This community is comprised of five isolated melaleuca wetlands interspersed with in the uplands and the large melaleuca slough on the east side of the parcel. The isolated wetlands are dominated by melaleuca in the canopy and mid canopy with yellow – eyed grass and swamp fern in the understory. The large melaleuca slough to the east is dominated by melaleuca in the canopy with random cypress, slash pine, and cabbage palm. Understory species consist of swamp fern where present. This community is considered wetlands by Lee County and the SFWMD.

500, Other Surface Water (1.23 acres)

A Borrow area located in the south – central portion of the site.

740, Disturbed Areas (0.74 acres)

This community has previously been cleared and is located adjacent to the FPL easement and ditch located in the southwest portion of the parcel.

743, Berm (0.08 acres)

A fill road or Berm is located in the northern portion of the melaleuca slough. This berm has effectively separated the slough. There is a 20” (or so) culvert on the east side of the slough that connects the slough but it is in need of repair. This berm has effectively altered the natural flow of water through the slough. This community is considered uplands by Lee County and the SFWMD.

832, FPL Easement (1.73 acres)

An FPL easement bisects the southwest corner of the property. This community is considered uplands by Lee County and the SFWMD.

SPECIES PRESENCE

The various listed species that may occur in the FLUCCS communities have been tabulated on the attached table.

Approximately 23 active and 17 inactive tortoise burrows have been flagged onsite. The FWC recently started using a 0.40 acre conversion factor (formerly 0.30) applied to active and inactive tortoise burrows in arriving at the number of expected tortoise on site; when an application for a Gopher Tortoise Incidental Taker Permit is submitted. Applying this factor to our survey, approximately 16 tortoises would be expected to be inhabiting the site ($0.40 * 40 = 16$).

Approximately 5 potential fox squirrel nests were located in melaleuca trees in the melaleuca slough.

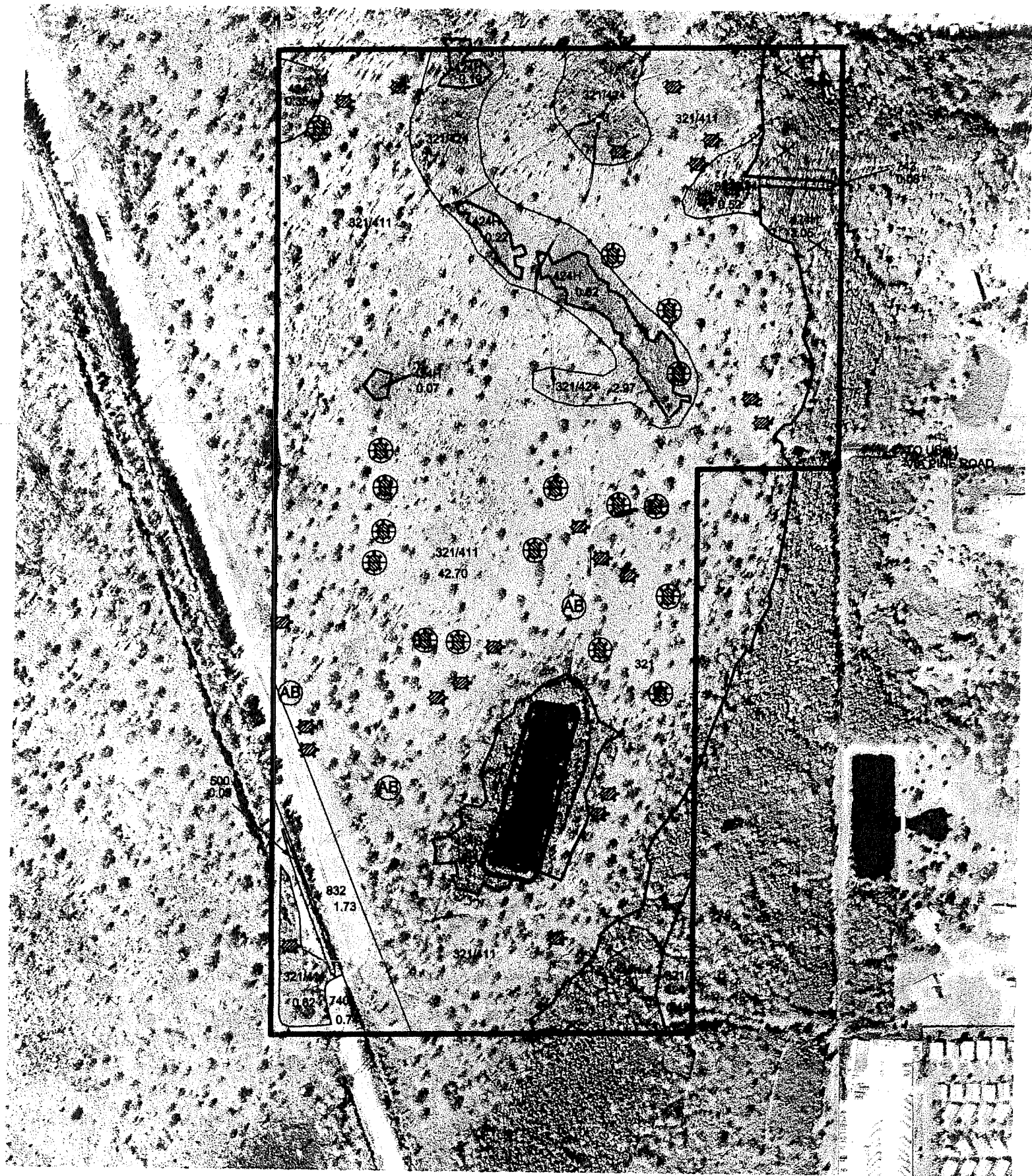
Table. Protected species list cross referenced with onsite FLUCCS categories.

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
321/411	Beautiful Pawpaw	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	20
	Eastern Indigo Snake	95+	X***		-	20
	Fakahatchee Burmannia	95+		X	-	20
	Florida Black Bear	95+		X	-	20
	Florida Coontie	95+		X	-	20
	Florida Panther	95+		X	-	20
	Gopher Frog	95+	X***		-	20
	Gopher Tortoise	95+	X		0.37 tortoise / acre*	20
	Red-Cockaded Woodpecker	95+		X	-	20
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
321/424	Beautiful Pawpaw	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	20
	Eastern Indigo Snake	95+		X	-	20
	Fakahatchee Burmannia	95+		X	-	20
	Florida Black Bear	95+		X	-	20
	Florida Coontie	95+		X	-	20
	Florida Panther	95+		X	-	20
	Gopher Frog	95+		X	-	20
	Gopher Tortoise	95+		X	-	20
	Red-Cockaded Woodpecker	95+		X	-	20
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
424	Big Cypress Fox Squirrel	95+		X	-	
424H	Big Cypress Fox Squirrel	95+	X**	X	NA	
500	American Alligator	95+		X	-	100
	Everglades Mink	95+		X	-	100
	Limpkin	95+		X	-	100
	Little Blue Heron	95+		X	-	100
	Reddish Egret	95+		X	-	100
	Roseate Spoonbill	95+		X	-	100
	Snowy Egret	95+		X	-	100
	Tricolored Heron	95+		X	-	100
	Florida Panther	95+		X	-	100
	Florida Black Bear	95+		X	-	100
740	Gopher Tortoise	95+		X	-	100
743	Gopher Tortoise	95+		X	-	100
832	None	95+		X	-	100

*Based on 16 tortoise in 43.32 acres (FLUCCS 321/411)

**No fox squirrels were observed, only potential nests in melaleuca trees

***No gopher tortoise or eastern indigo snakes were observed; because of gopher tortoise burrows, the potential exists for them to inhabit the site



		APPROX. ACREAGE
321/411	SAW PALMETTO - SLASH PINE (<20% CANOPY)	43.32
321/424	SAW PALMETTO - DOG HAIR MELALEUCA	5.07
424	MELALEUCA	0.35
424H*	MELALEUCA WETLANDS	7.80
500	OTHER SURFACE WATER	1.23
740	DISTURBED AREAS	0.74
743	BERM	0.08
832	FPL EASEMENT	1.73
		<hr/>
		60.32 ACRES

- ⊗ ACTIVE TORTOISE BURROW, 23
- ⊙ INACTIVE TORTOISE BURROW, 17
- Ⓐ ABANDONED TORTOISE BURROW, 3
- × POTENTIAL NESTS IN MELALEUCA, 5

$$(23 + 17) * 0.40 = 16 \text{ EXPECTED GOPHER TORTOISE}$$

JOB # 9852	DATE 12-11-01
SCALE 1"=300'	REVISIONS
FILE 9852PSS	
DRAWN BY JDK	

PINE ROAD 60
LISTED SPECIES GRAPHIC

Pine Road 60
S 20 / T 46S / R 25E

**Habitat Management Plan for
Listed Species**

Boylan
Environmental
Consultants, Inc.
*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (941) 418-0671 Fax: (941) 418-0672

December 11, 2001

INTRODUCTION

Environmental scientists from Boylan Environmental Consultants, Inc conducted field investigations on the +/- 60.32 acre property the weeks of July 9 and December 10, 2001 to identify the presence of protected species and potential occupied habitat. The survey documented Gopher Tortoise and the potential for Big Cypress Fox Squirrels on site. Because of gopher tortoise burrows, the potential exists for the Gopher Frog and the Eastern Indigo Snake.

In addition, the Bald Eagle and the Florida Black Bear have been documented on adjacent sites or are presumed to inhabit adjacent sites. This plan is intended to minimize impacts to these species by implementing the following (brief – conceptual) plans.

The subject parcel is located at the end of Pine Road, west of U.S. 41 in Estero in Section 20, Township 46 South, Range 25 East, Lee County.

GOPHER TORTOISE

A Gopher Tortoise Incidental Take permit would be obtained from the Florida Fish & Wildlife Conservation Commission (FWC).

In addition, prior to construction, tortoise would be relocated to the “Tortoise Relocation – Preserve” as shown on attached Exhibit 1. The preserve, along with all other upland and wetland preserves would be maintained in perpetuity to insure exotic and nuisance species constitute less than 1% coverage immediately following an exotic removal activity and no more than 5% in between removal activities.

FOX SQUIRREL

Immediately prior to construction or mitigation activities, the areas will be re - checked for the presence of Big Cypress Fox Squirrel nests. If “*actively nesting*” nests are found, 150’ buffers would be maintained around the nest trees until the nest(s) are deemed active. When deemed inactive, the (melaleuca) nest tree would be taken down in conjunction with either construction or wetland mitigation activities. It is anticipated the melaleuca slough, would have exotics removed and subsequently replanted with desirable wetland vegetation. The wetland mitigation details are not known at this time and could only be known at time of ERP permitting.

EASTERN INDIGO SNAKE

Standard protection measures would be established as follows:

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and

to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur.). Informational signs should be posted throughout the construction site and contain the following information:

- a. A description of the eastern indigo snake, its habits and protection under Federal Law;
 - b. Instructions not to injure, harm, harass or kill this species;
 - c. Directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. Telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water, then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a Section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish and Wildlife Conservation Commission for such activities, are permitted to come in contact with or relocate an eastern indigo snake.
 3. If necessary, eastern indigo snakes shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.
 4. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information;
 - a. any sightings of eastern indigo snakes
 - b. summaries of any relocated snakes if relocation was approved for the project (*e.g.*, locations of where and when they were found and relocated);
 - c. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

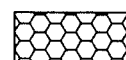
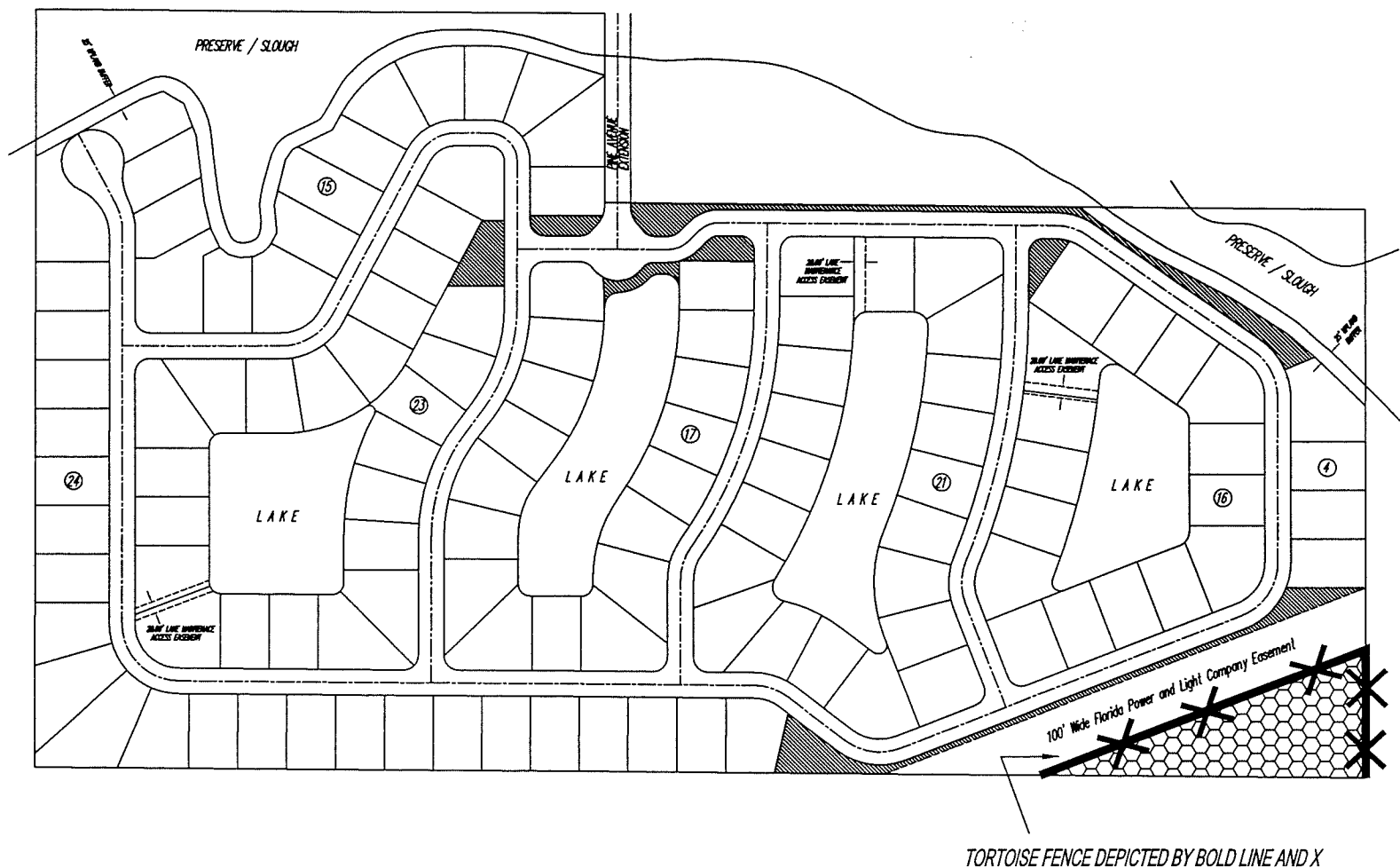
See attached Exhibit 2 for the Eastern Indigo Snake Protection plan.

BALD EAGLE

All construction and mitigation activities within 1500' of the nest tree (located south of the subject parcel) would occur during the non – nesting season, October 1 through May 15. The portion of the Pine Road parcel that falls within the 1500' is shown in Exhibit 3 and is considered the Eagle's Secondary Zone. This is the suggested guideline set forth by the US Fish and Wildlife Service in "*Habitat Management Guidelines For the Bald Eagle in the Southeast Region.*"

FLORIDA BLACK BEAR

- 1) Signage will be place around the preserve areas. This signage (language) would prohibit hand - feeding of wildlife, including birds. This would eliminate leftover food scraps throughout the property. There would be signs stating “Feeding of Animals is Prohibited.”
- 2) There would be no beehives, livestock (including fowl), or stables meant to house animals located on site.
- 3) If picnic areas are located on-site, signage would be placed in the vicinity reminding people to remove all food scraps and refuse when leaving.



TORTOISE RELOCATION-
PRESERVE AREA

JOB # 9852
SCALE TORTOISE FENCE
FILE 1"=300'
DRAWN BY JDK
DATE 12-11-01

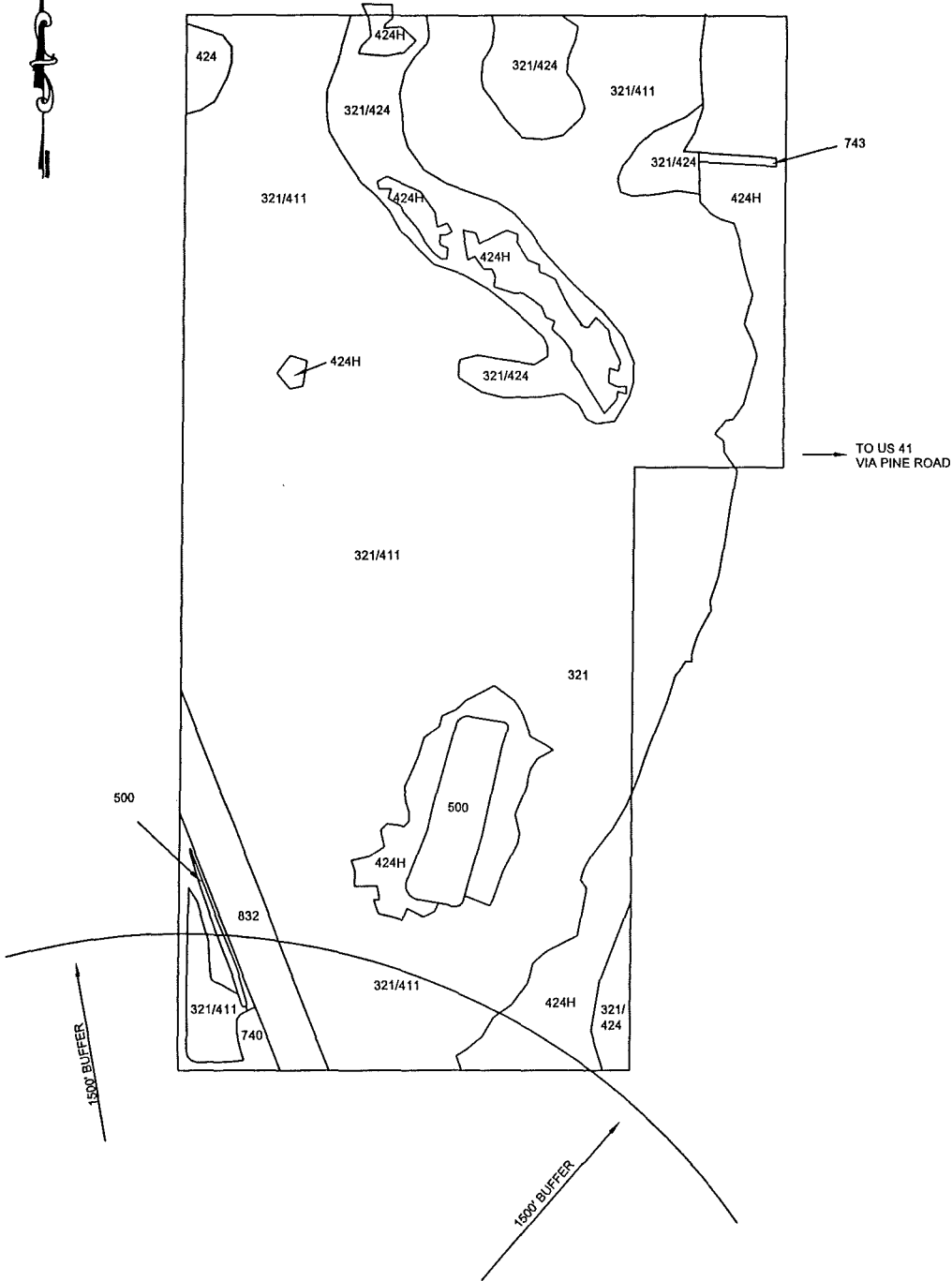
PINE ROAD
TORTOISE PRESERVE

COUNTY LEE
SEC 20
TWP 46
RNG 25
REVISIONS

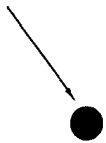
Boylan
Environmental
Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments


11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (941)418-0671



APPROXIMATE LOCATION OF EAGLE'S
NEST 1200' SOUTH OF SUBJECT PARCEL'S
SOUTHWEST CORNER



321/411	SAW PALMETTO - SLASH PINE (<20% CANOPY)
321/424	SAW PALMETTO - DOG HAIR MELALEUCA
424	MELALEUCA
424H*	MELALEUCA WETLANDS
500	OTHER SURFACE WATER
740	DISTURBED AREAS
743	BERM
832	FPL EASEMENT



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Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (941)418-0671

COUNTY	LEE
SEC	20
TWP	46S
RNG	25E
REVISIONS	
JOB # 9852	PINE ROAD 60
SCALE 1"=400'	EAGLE BUFFER MAP
FILE EAGLE BUFFER	
DRAWN BY JJK	
DATE 12-11-01	

Exhibit 2

EASTERN INDIGO SNAKE

PROTECTION PLAN

The Eastern Indigo Snake is a large, fairly shiny blue-black snake. They are non-venomous. The average adult indigo snake is 6 feet in length.

The Indigo snake is active during daylight hours. It nests in gopher tortoise burrows and in hollow logs. The diet of the snake consists of other snakes, small mammals such as rats and mice, along with frogs, lizards and other amphibians.

The Indigo snake may be confused with the common black racer. It is also black, however this snake is usually slender and fast moving, with a white chin:

The Common Black
Racer



Eastern Indigo Snake
Drymarchon corais couperi

If an Eastern Indigo snake is observed on site:

Cease all construction activities and notify the construction supervisor, then contact Boylan Environmental Consultants (941) 418-0671. While leaving the snake unharmed, maintain sight of the snake until a biologist arrives. The snake will then be allowed sufficient time to move away from the construction site on its own before resuming construction activities.

The Eastern Indigo snake is protected by both State and Federal Regulations. It is illegal to harass, harm, pursue, hunt, shoot, wound, kill, molest, trap, capture, collect, transport, or attempt to engage in any such conduct (collectively defined as "taking"). These rules apply to the snake, parts thereof or their nests or eggs.

Under Chapter 39, Florida Administrative Code 39-4.002 the penalties are as follows: Punishable as a second degree misdemeanor, with up to \$500.00 fine and/or 60 days imprisonment for first offenses, additional penalties thereafter.

Under the Endangered Species Act the penalties are as follows: Maximum fine of \$25,000.00 for civil penalties and maximum fine of \$50,000.00 and/or imprisonment for up to

chemicals, petroleum products or explosives, which because of their size are normally stored out-of-doors or under a roofed shed.

(Zoning Ord. 1993, § 1001; Ord. No. 93-24, § 21, 9-15-93; Ord. No. 94-24, § 22, 8-31-94; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 00-14, § 5, 6-27-00)

Sec. 34-623. Performance standards, environmental quality.

All uses and activities permitted by right, special exception or temporary permit in any zoning district, including planned development and PUD districts, must be constructed, maintained, placed, conducted, and operated so as to:

- (1) Comply with all local, state, and federal air, noise, and water pollution standards, and
- (2) Not adversely impact water quality and water needs.

(Zoning Ord. 1993, § 202.17; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 99-22, § 3, 12-14-99)

Sec. 34-624. Performance standards, creation of nuisance.

All uses and activities permitted by right, special exception or temporary permit in any zoning district, including planned development and PUD districts, must be constructed, maintained, placed, conducted, and operated so as to:

- (1) Not be injurious or offensive and thereby constitute a nuisance to owners or occupants of adjacent premises, nearby residents, or to the community, by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire or explosive hazard, or glare; and
- (2) Not cause light from a point source of light to be directed, reflected, or refracted

Sec. 34-653. Use regulations table.

Use regulations for agricultural districts are as follows:

beyond the boundary of the parcel or lot, onto adjacent or nearby residentially zoned or used property or onto any public right-of-way, and thereby constitute a nuisance to owners or occupants of adjacent premises, nearby residents, or to the community; and.

- (3) Ensure all point sources of light and all other devices for producing artificial light are shielded, filtered, or directed in such a manner as to not cause light trespass.
- (Ord. No. 99-22, § 3, 12-14-99)

Secs. 34-625—34-650. Reserved.

DIVISION 2. AGRICULTURAL DISTRICTS

Sec. 34-651. Purpose and intent.

The purpose of the agricultural districts is to provide areas for the establishment or continuation of agricultural operations, with residential uses being permitted only as ancillary to agricultural uses, and to accommodate those individuals who understand and desire to live in an agricultural environment.

(Ord. No. 93-24, § 7(410.01), 9-15-93)

Sec. 34-652. Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in the AG districts for any purpose other than as provided in section 34-653, pertaining to use regulations for agricultural districts, and section 34-654, pertaining to property development regulations for agricultural districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.

(Ord. No. 93-24, § 7(410.02), 9-15-93; Ord. No. 98-11, § 5, 6-23-98)

TABLE 34-653. USE REGULATIONS FOR AGRICULTURAL DISTRICTS

	<i>Special Notes or Regulations</i>	AG-1	AG-2	AG-3
Accessory uses, buildings, and structures:	34-1171 et seq. and 34-2441 et seq.	P	P	P
Amateur radio antenna/tower				
Up to 50 feet in height	34-1175	P	P	P
Over 50 feet in height	34-1175	SE	SE	SE
Docks, seawalls	34-1863	P	P	P
Entrance gates, gatehouses	34-1741 et seq.	P	P	P
Fences, walls	34-1741 et seq.	P	P	P
Nonroofed accessory structures	34-2141 et seq.	P	P	P
Signs in compliance with chapter 30		P	P	P
Administrative offices		P	P	P
Assisted living facility	Note (1), 34-1411	EO	EO	EO
Agricultural uses	Note (2), 34-2441 et seq.	P	P	P
Agricultural accessory uses and buildings	Note (3), 34-1171 et seq., 34-2441 et seq.	P	P	P
Aircraft landing facilities, private:				
Lawfully existing:				
Expansion of aircraft landing strip or heliport or heliport landing pad	34-1231 et seq.	SE	SE	SE
New accessory buildings	34-1231 et seq.	P	P	P
New:				
Aircraft landing strip and ancillary hangers, sheds and equipment	34-1231 et seq.	SE	SE	SE
Animals, reptiles, marine life:				
Animals (excluding exotic species)	34-1291 et seq.	P	P	P
Animal clinic (df) or animal kennel (df)	34-1321 et seq.	EO/SE	EO/SE	EO/SE
Keeping, raising or breeding of domestic tropical birds (df) for commercial purposes	Note (12), 34-1291 et seq.	SE	SE	SE
Keeping, raising or breeding of American alligators, venomous reptiles or Class I or Class II animals (df)	34-1291 et seq.	SE	SE	SE
Keeping, raising or breeding of marine life which requires the storage of brackish or saline water in man-made ponds	34-1291 et seq.	SE	SE	SE
Bed and breakfast (df)	34-1493	SE	SE	—
Boat ramps	Note (14)	EO/SE	EO/SE	EO/SE
Caretaker's residence		EO/SE	EO/SE	EO
Cemeteries		EO	EO	EO
Commercial fishing equipment storage as an accessory use to a single-family or mobile home residence, Greater Pine Island only	34-1179	P	P	P
Communication tower				
50 feet or less in height	34-1441 et seq.	P	P	P
Over 50 feet in height	34-1441 et seq.	EO/SE	EO/SE	EO/SE
Community residential home		P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE
Day care center, adult or child	Note (13 & 15)	EO/SE	EO/SE	EO/SE
Dwelling unit:				
Mobile home	Note (4), 34-1921 et seq.	P	P	P
Single-family residence, conventional		P	P	P
Second conventional single-family residence on lot	Note (5), 34-1180	P	P	P
Emergency medical services station	Note (6)	EO/SE	EO/SE	EO/SE
Essential services	34-1611 et seq., 34-1741 et seq.	P	P	P
Essential service facilities (34-622(c)(13)):				
Group I	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	EO/SE	EO/SE	EO/SE
Excavation:				
Oil or gas	34-1651	SE	SE	SE

	<i>Special Notes or Regulations</i>	<i>AG-1</i>	<i>AG-2</i>	<i>AG-3</i>
Water retention	34-1651, 10-329(c)	P	P	P
Mining	Note (11), 34-1651, 34-1671 et seq.	EO/SE	EO/SE	EO/SE
Farm labor housing	34-1891 et seq.	EO/SE	EO/SE	EO/SE
Fire station/forestry tower	Note (7)	EO/SE	EO/SE	EO/SE
Forestry, cypress (<i>Taxodium</i> spp., for sawtimber use only)	34-651 et seq.	SE	SE	SE
Golf course	34-2471 et seq.	EO	EO	EO
Health care facilities (34-622(c)(18)), groups I and II	Note (8)	EO	EO	EO
Home care facility		P	P	P
Home occupation:	34-1771 et seq.			
No outside help		P	P	P
With outside help		AA	AA	AA
Lawn and garden supply stores	34-2081	SE	SE	SE
Lawn and garden equipment (small engine parts and repairs)		SE	SE	SE
LCDOT maintenance facility	Note (6)	EO	EO	EO
Marina	34-1862	EO	EO	EO
Models:	34-1951 et seq.			
Display center		SE	SE	SE
Model home		AA/SE	AA/SE	AA/SE
Paint ball range, outdoor		SE	SE	SE
Parks (34-622(c)(32))				
Group I	Note (9)	P	P	P
Group II	Note (7)	EO/SE	EO/SE	EO/SE
Place of worship	34-2051 et seq.	P	P	P
Police or sheriff station	Note (6)	EO	EO	EO
Post office	Note (6)	EO	EO	EO
Produce stands:	34-1711 et seq.			
Temporary		P	P	P
Permanent		EO/SE	EO/SE	EO/SE
Recreation facilities:				
Commercial ((34-622(c)(38)) - Group III	Note (10)	SE	SE	SE
Personal		P	P	P
Private-Onsite		EO/SE	EO/SE	EO/SE
Private-Offsite		EO/SE	EO/SE	EO/SE
Religious facilities	Note (7), 34-2051 et seq.	EO/SE	EO/SE	EO/SE
Research and development laboratories (34-622(c)(41)), group I		P	P	P
Residential accessory uses (34-622(c)(42))	34-1171 et seq.	P	P	P
Schools, noncommercial:				
Lee County School District	34-2381	P	P	P
Other	34-2381	EO	EO	EO
Shredding and composting of vegetative matter	34-1831 et seq.	SE	—	—
Social services (34-622(c)(46)), groups III and IV	Note (8), 34-3021	EO	EO	EO
Stable:				
Boarding stable or private stable	34-1291 et seq.	P	P	P
Commercial	34-1291 et seq.	SE	SE	SE
Temporary uses	34-3041 et seq.	P	P	P
U-pick operations	34-1711 et seq.	P	P	—

Notes:

- (1) Any expansion which will bring the number of beds to 50 or more requires PD zoning. See section 34-341 and Table 34-934.
- (2) Includes but is not limited to farming, horticulture, pasturage, forestry, citrus and other fruit groves, greenhouses and nurseries, truck farms and dairy farms, commercial fish, frog or poultry hatcheries, and raising of hogs and other farm animals. Lumbering or harvesting of cypress (*Taxodium* spp.) is not permitted except by special exception.

- (3) Limited to uses and buildings customarily incidental to agricultural uses, including the processing and packaging of agricultural products primarily grown on the premises.
 - (4) Mobile home permitted provided it is the only residential unit on the property, and provided further that the property meets the same lot area and dimensions, setbacks, height and maximum lot coverage as set forth in table 34-654 for the AG-1 district.
 - (5) Only permitted in compliance with section 34-1180.
 - (6) Expansion of facility to ten or more acres requires PD zoning. See section 34-341 and Table 34-934.
 - (7) Any new facility of ten or more acres or any expansion of an existing facility to ten or more acres requires PD zoning. See section 34-341 and Table 34-934.
 - (8) Any new facility of 50 or more beds, or any expansion of an existing facility which will bring the number of beds to 50 or more or which changes the use, requires PD zoning. See section 34-341 and Table 34-934.
 - (9) Recreational halls require a special exception approval.
 - (10) Limited to passive and active recreation and educational activities including, but not limited to hiking and nature trails, where the activities require little or no on site facilities or capital investment, and utilize the natural environment with little or no alteration of the nature landscape.
 - (11) Any excavation/mining in excess of 320 acres requires IPD zoning unless approved as part of an RPD, MHPD, RVPD, CFPD, CPD, or MPD development. Any excavation/mining or fill dirt operations, regardless of size, proposed within the industrial land use category, must be approved through the industrial planned development rezoning process.
 - (12) The keeping of ostrich, cassowary, rhea, or emu for the production of meat, skins, or hides, feathers, or the progeny thereof, as part of a bonafide agricultural operation does not require a special exception.
 - (13) Family day care home exemption. The operation of a family day care home under F.S. § 125.0109 requires an exemption from the special exception requirements for child day care facilities. See section 34-203(e)(9).
 - (14) Non-commercial only.
 - (15) A day care center, owned by the entity with title to the place of worship, that is operated within the building housing the place of worship is not required to obtain special exception approval.
- (Ord. No. 93-24, § 7(table 410.A), 9-15-93; Ord. No. 94-02, § 6, 1-19-94; Ord. No. 94-24, § 49, 8-31-94; Ord. No. 95-07, § 35, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01)

Sec. 34-654. Property development regulations table.

Property development regulations for agricultural districts are as follows:

TABLE 34-654. PROPERTY DEVELOPMENT REGULATIONS FOR AGRICULTURAL DISTRICTS

	<i>Special Notes or Regulations</i>	<i>AG-1</i>	<i>AG-2</i>	<i>AG-3</i>
Minimum lot dimensions and area:	Note (1)			
Minimum lot area:	Note (2)			
Interior lot	34-2221, 34-2222	4.7 acres	39,500 sq. ft.	20,000 sq. ft.

	<i>Special Notes or Regulations</i>	AG-1	AG-2	AG-3
Corner lot	34-2221, 34-2222	4.4 acres	33,600 sq. ft.	20,000 sq. ft.
Minimum lot width (feet)		300	100	100
Minimum lot depth (feet)		300	130	130
Minimum setbacks:		Variable according to the functional classification of the street or road (see section 34-2192), but in no case less than 50 feet in the AG-1 district.		
Street (feet)	Notes (3) and (4), 34-2191 et seq., 34-1261 et seq.			
Side yard (feet)		25	15	15
Rear yard (feet)	34-2191 et seq.	25	25	25
Water body (feet):	34-2191 et seq.			
Gulf of Mexico		50	50	50
Other		25	25	25
Special regulations:		Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.		
Animals, reptiles, marine life	34-1291 et seq.			
Consumption on premises	34-1261 et seq.			
Docks, seawalls, etc.	34-1863 et seq.			
Essential services	34-1611 et seq.			
Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2142			
Fences, walls, gatehouses, etc.	34-1741 et seq.			
Nonroofed accessory structures	34-2194(c)			
Railroad right-of-way	34-2195			
Maximum height (feet)	34-2171 et seq.	35	35	35
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175).		
Maximum lot coverage (percent of total lot area)		25%	25%(5)	25%

Notes:

- (1) Certain projects in agricultural districts may fall within the density reduction/groundwater resource areas of the Lee Plan. In such areas, additional density and use restrictions are applicable. Permitted land uses in density reduction/groundwater resource areas include agriculture, mineral or limerock extraction, conservation uses, and residential uses at a maximum density of one dwelling unit per ten acres. Individual residential parcels may contain up to two acres of wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetlands.
- (2) Any lot created in the rural community preserve land use category (as delineated by policy 17.1.3 of the Lee Plan) after July 9, 1991, must have a minimum area of 43,560 square feet excluding all street rights-of-way.
- (3) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted only by variance. See section 34-2191 et seq.

- (4) Special street setback provisions apply to portions of Colonial Boulevard and Daniels Road. Refer to section 34-2192(b)(3) and (4).
- (5) For nonconforming lots, as defined in section 34-3271, the maximum lot coverage will be 40 percent.
- (Ord. No. 93-24, § 7(table 410.B), 9-15-93; Ord. No. 94-24, § 50, 8-31-94; Ord. No. 95-07, § 36, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97)

Secs. 34-655—34-670. Reserved.

DIVISION 3. RESIDENTIAL DISTRICTS

Subdivision I. In General

Sec. 34-671. General purpose and intent.

The purpose and intent of the residential districts is to permit various types of dwelling units at various densities in the urban service areas where infrastructure exists or can feasibly be extended, and to permit lower-density single-family conventional and mobile home dwelling units in nonurban areas where the services and conveniences of the urban areas are not provided. (Ord. No. 93-24, § 7(420.01), 9-15-93)

Secs. 34-672—34-690. Reserved.

Subdivision II. One- and Two-Family Residential Districts

Sec. 34-691. Purpose and intent.

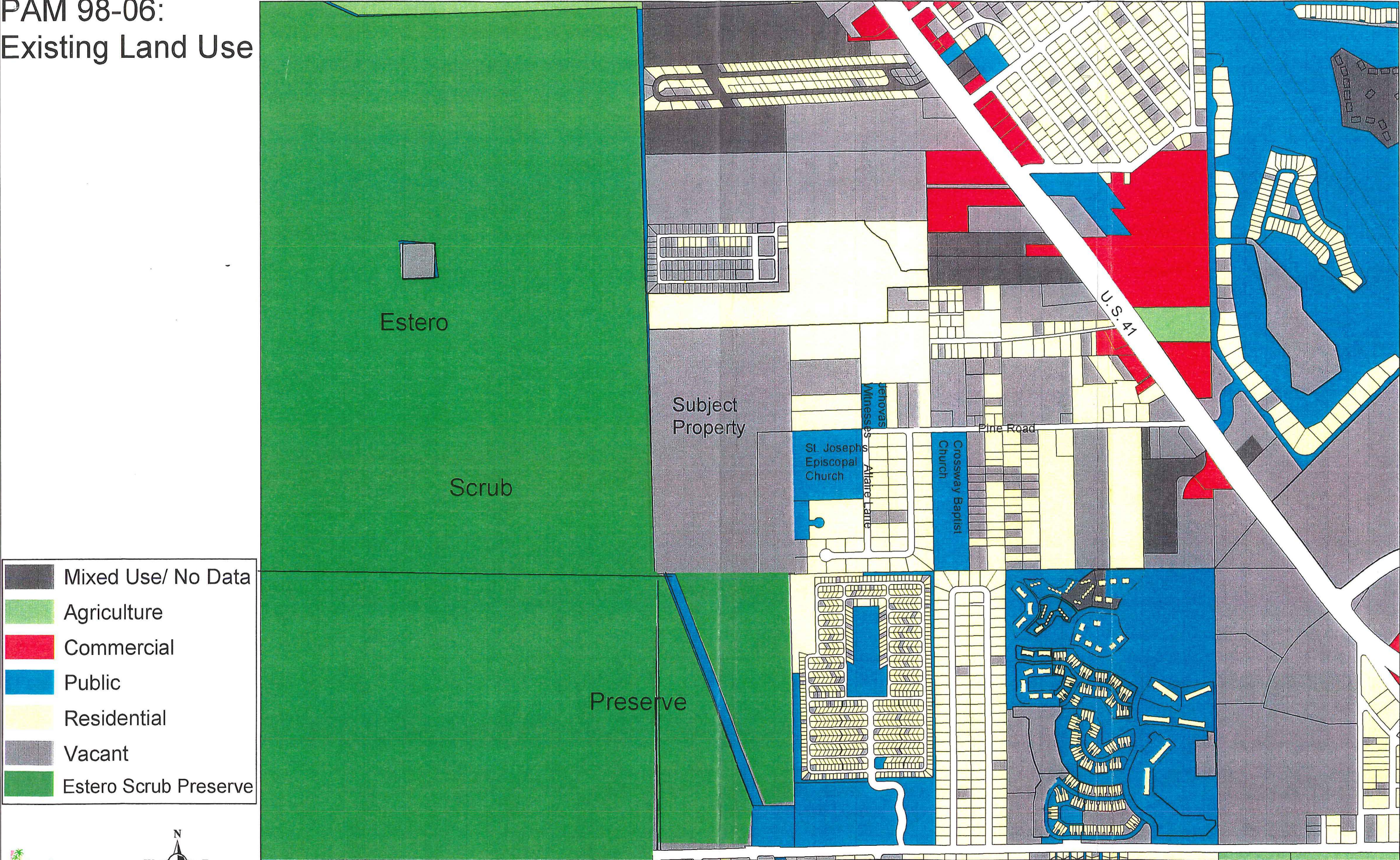
(a) *RSC-1 residential single-family conservation district.* The purpose and intent of the RSC-1 residential single-family conservation district is to recognize and protect existing single-family residential developments, lots, structures and uses, previously permitted but not conformable to the regulations for other single-family residential districts set forth in this chapter, and to accommodate residential use of lawfully existing lots nonconforming under previous zoning regulations. This district may be applied to any land use category allowing residential uses set forth under the Lee Plan. This district is not available for new developments, but may be used only by property owners in existing developments that comply with the property development regulations or by the

Board of County Commissioners upon its own initiative to achieve the purpose mentioned in this section.

(b) *RSC-2 residential single-family estate district.*

- (1) The purpose of the RSC-2 residential single-family estate district is to provide for a continuation of the uses created by Resolution No. Z-70-78, adopted June 2, 1970. This resolution created an estate category (EU-1) with minimum lot size of one acre, but also allowed a guest house and servants' quarters. All property on Captiva Island formerly zoned RS-2 and subject to Resolution No. Z-70-78 has been converted to RSC-2. Other existing developments in the unincorporated area of the county may also request to be rezoned to RSC-2, provided it is appropriate.
- (2) Since this district is intended to continue the provisions of Resolution No. Z-70-78, certain use regulations and definitions will be somewhat different from the regulations found elsewhere in this chapter. For purposes of this district only, the term "family" is defined as one or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, provided that a group of three or more persons who are not related by blood, marriage or adoption shall not be deemed to constitute a family, and further provided that domestic servants may be housed on the premises without being counted as a separate or additional family. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, convent or institutional group.

PAM 98-06:
Existing Land Use



FUTURE URBAN AREAS:

- INTENSIVE DEVELOPMENT
- CENTRAL URBAN
- URBAN COMMUNITY
- SUBURBAN
- OUTLYING SUBURBAN
- INDUSTRIAL DEVELOPMENT
- PUBLIC FACILITIES
- UNIVERSITY COMMUNITY

INTERCHANGE AREAS:

- INDUSTRIAL
- GENERAL
- GENERAL COMMERCIAL
- INDUSTRIAL COMMERCIAL
- UNIVERSITY VILLAGE
- MIXED USE

NEW COMMUNITY:

- NEW
- COMMUNITY

AIRPORT AREAS:

- AIRPORT COMMERCE
- AIRPORT

NON-URBAN AREAS:

- RURAL
- RURAL COMMUNITY PRESERVE
- OUTER ISLANDS
- OPEN LANDS
- DENSITY REDUCTION / GROUNDWATER RESOURCE
- UPLAND CONSERVATION LANDS

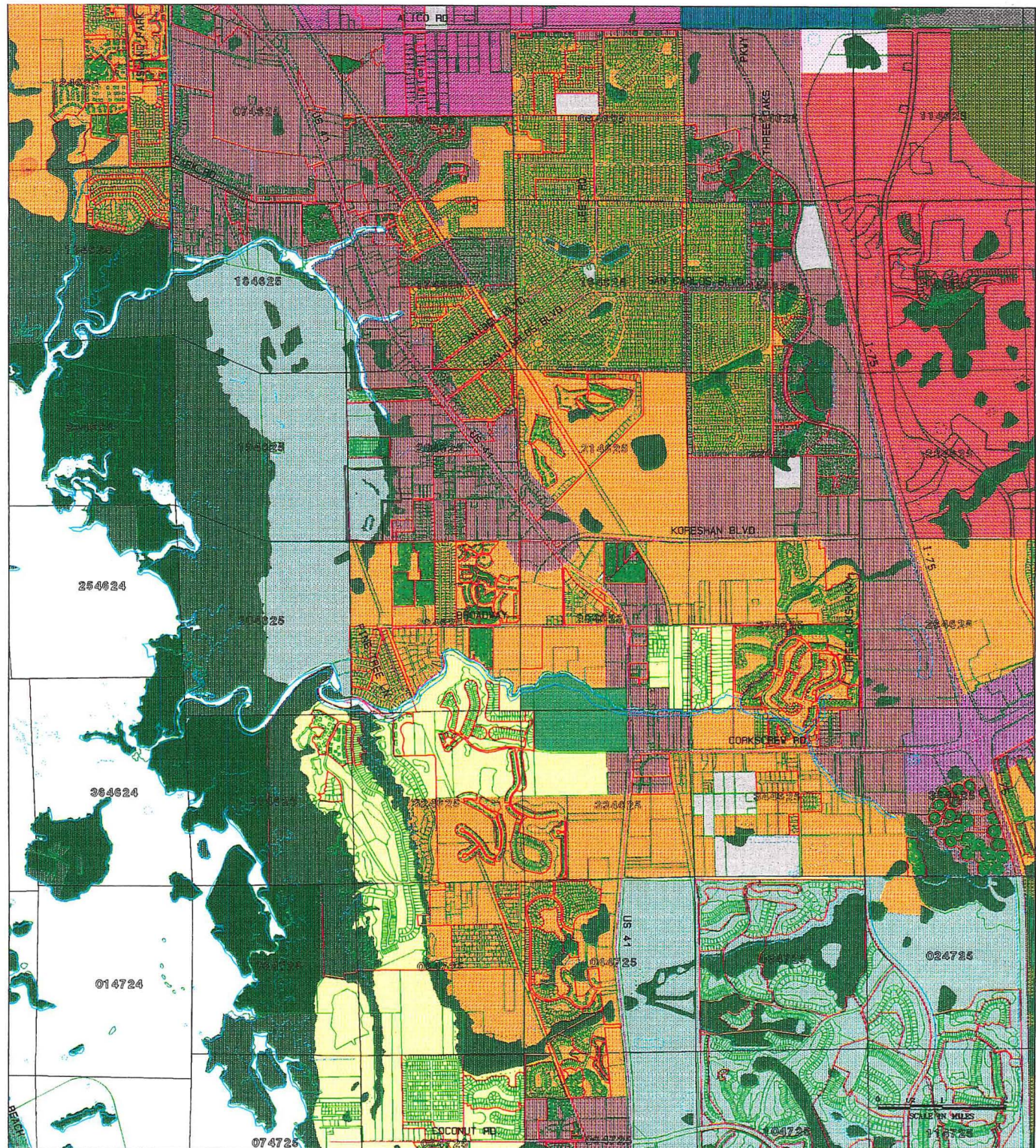
WETLANDS

- WETLANDS
- WETLAND CONSERVATION LANDS

CHAPTER XIII OF THIS PLAN CONTAINS AN ADMINISTRATIVE PROCESS, INCLUDING A FIELD CHECK, TO PRECISELY DEFINE THE BOUNDARIES OF A WETLANDS AREA, AND TO CORRECT ANY SUCH BOUNDARIES THAT ARE BASED ON CLEAR FACTUAL ERROR.



12/2001





STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

November 21, 2001

RECEIVED

NOV 28 '01

BOB JANES

The Honorable Robert Janes
Chairman, Lee County Board
of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chairman Janes:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Lee County (DCA No. 01-1), which was received by the Department on September 17, 2001. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for review and their comments are enclosed.

The Department has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C), Chapter 163, Part II, Florida Statutes (F.S.), and the adopted Lee County Comprehensive Plan. The issues identified in this Objections, Recommendations and Comments Report include concerns about the suitability of the proposed amendment Case No. PAM 98-06 for the site. It is very important that the adopted plan amendment address these issues, and all objections in the Department's ORC Report.

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, F.A.C. Upon receipt of this letter, the County has 60 days within which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

CC: BOCC
Paul O'Connor
Jim Jones

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Honorable Robert Janes
November 21, 2001
Page Two

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's ORC Report.

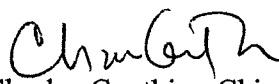
The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate Notice Of Intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan or plan amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b) which are effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.

If you have any questions, please call Roger Wilburn, Community Program Administrator or Bernard O. Piawah, Planning Manager, in the Bureau of Local Planning at (850) 922-1810.

Sincerely,


Charles Gauthier, Chief
Bureau of Local Planning

CG/bop

enclosures: Other Agency Comments

cc: Mr. Paul O'Connor, AICP, Director, Lee County
Mr. Wayne E. Daltry, Executive Director, Southwest Florida RPC

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS
FOR
LEE COUNTY
COMPREHENSIVE PLAN AMENDMENT 01-1

November 21, 2001
Division of Community Planning
Bureau of Local Planning
This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Lee County 01-1 proposed amendment to their comprehensive plan pursuant to s.163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by local government and corrected when the amendment is re-submitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Department objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS RECOMMENDATION AND COMMENTS REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT 01-1
LEE COUNTY**

I. CONSISTENCY WITH RULES 9J-5 AND CHAPTER 163., F.S.

Lee County's proposed Amendment 01-1 involves changes to numerous elements of the comprehensive plan including Future Land Use Map changes. The Department raises objections to Amendments **PAM 98-06 and PAT 99-20:**

Objections:

PAM 98-06:

This is a proposal to revise the Future Land Use Map for a 60-acre site located in the vicinity of Pine Road and U.S. 41. The subject site is adjacent to Estero Scrub Preserve, a state-owned conservation area. According to the supporting documentation, the site is habitat to a variety of endangered and threatened species. In view of this fact, the amendment is not supported by adequate data and analysis demonstrating the suitability of the proposed designation considering the environmentally sensitive nature of the site. The proposed increase in density on this 60-acre site, from one dwelling unit per acre to two dwelling units per acre, will result in increased run-off, from the site, into the preservation area and has the potential to adversely impact this environmentally sensitive resource. The project will utilize septic tanks for sewage disposal which has the potential to leak out and contaminate the bay. Furthermore, a density of two dwelling units per acre may be too high for this site since it is very environmentally sensitive, and data and analysis have not been provided indicating how development will occur on the site, at the proposed density, without endangering the protection of the threatened and endangered species that may inhabit it.

In addition, the amendment appears to be inconsistent with Lee Plan's Objective 77.1, 77.3, and 77.4; and Policies 77.2.10, 77.3.1, 77.4.1, 77.4.2, and 83.1.5, regarding the protection of environmentally sensitive areas, endangered and threatened species and their habitat.

According to the information provided, the proposed amendment will impact U.S. 41, which currently does not have the capacity to accommodate the proposed amendment. Although U.S. 41 is operating at level of service F, at the moment, the additional trips from this project will exacerbate the situation.

Chapter 163.3177(2), (6)(a), (d), (9)(b), Florida Statutes; Rule 9J-5.005(2)(a), & (5); 9J-5.006(2)(a), (b), (3)(b)1., (3)(c)3., & 6.; 9J-5.011(1)(f)1.; 9J-5.012(3)(c)1.; 9J-5.013(1)(a)5., (2)(b)3., & 4., (2)(c)5., 6., & 9., Florida Administrative Code (F.A.C.).

Recommendation: Demonstrate, with adequate data and analysis, that the increased density will not result in an adverse impact on the Estero Scrub Preserve. Furthermore, demonstrate, with adequate data and analysis, the suitability of the site for the proposed land use designation and show how development will occur on the site without endangering the threatened and endangered species that may inhabit the area, as well as how the increased density will take place without exacerbating the traffic condition on U.S. 41. In addition, demonstrate the consistency of the amendment with the Lee Plan Objectives and Policies listed above. Since the density of two units per acre may be too high for the site, considering its environmentally sensitive nature, alternatively, the County should consider not adopting the amendment.

PAT 99-20

The proposed Policy 15.5.1 defers the identification of the commercial and industrial uses that will locate in the Port District to a separate document outside the comprehensive plan instead of including such guidelines in the plan as required.

Chapter 163.3177(2), (6)(a), (d), (9)(b), and Rule 9J-5.005(2)(a), & (5); F.A.C.

Recommendation: Revise the plan to specify the commercial and industrial uses that are allowed in the Port District.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendment does not adequately address and further the State Comprehensive plan including the following goal and policies:

Natural Systems and Recreational Lands Goal (10)(a) and Policies (b)1,3,4, regarding the conservation of forests, wetlands, fish, marine life and wildlife to maintain their environmental values.

Public Facilities goal (18)(a) and Policies (b)1 and (2), regarding the provision of public facilities.

Recommendation: Revise the proposed amendment, as indicated in the report, in order to be consistent with the above goal and policies of the State Comprehensive plan.

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NOV 5

Florida Department of Transportation

JEB BUSH
GOVERNOR

801 N. Broadway
Bartow, Florida 33830

THOMAS F. BARRY, JR.
SECRETARY

October 31, 2001

Mr. Ray Eubanks
Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

97W
11-5-01

RECEIVED

NOV 28 '01

BOB JAI

RE: Lee County Comprehensive Plan Amendments- DCA No. 01-1

Dear Mr. Eubanks:

We have reviewed the referenced Lee County Comprehensive Plan Amendments package. Our review indicates that none of the proposed amendments will have a significant impact on the State Transportation System.

These comments reflect a planning level review only. Access connections to the State Highway System are subject to permitting which may necessitate mitigation requirements. The permitting process is described in Rule 14-96 FAC.

If you have any questions, please contact John Czerepak at (941) 519-2343 or Suncom 557-2343.

Sincerely,

Michael J. Tako Nicolaisen, P.E.
Interim Planning Manager

MJTN/GJC/gjc

cc: Richard L. Combs, FDOT
Files

District One, Planning and Programs Office
801 North Broadway Avenue * Post Office Box 1249 * Bartow, FL 33831-1249
(941) 519-2343 * (941) 534-7172 (Fax) * MS 1-36

www.dot.state.fl.us

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE

Katherine Harris

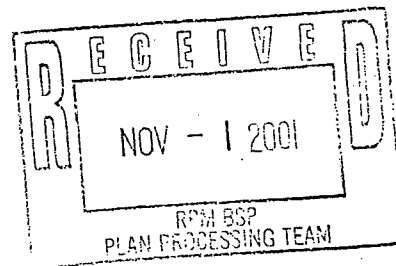
Secretary of State

DIVISION OF HISTORICAL RESOURCES

October 24, 2001

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

9RW
11-2-0



Re: Historic Preservation Review of the Lee County (01-1) Comprehensive Plan Amendment Request (Received by DHR on 09/24/01)

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We have reviewed many proposed text changes and Future Land Use Map amendments to the Lee County Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that many of the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Lee County. Specific comments regarding individual amendments are as follows.

Amendment PAT99-20, CPA2000-04 (Orange River Property) and CAP2001-01 (Bonita Beach Road) have both had archaeological surveys completed where potentially significant resources were discovered. As long as appropriate actions are taken to protect these resources, then any resulting changes should be acceptable. Regarding Amendment CPA2000-07, there are National Register individually listed sites and a National Register listed district within this urban infill area. It is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on these significant archaeological or historic resources. Again, if these concerns are addressed and appropriate actions are taken to protect these resources, then any resulting changes should be acceptable. For Amendment CPA2000-19, historic resources are addressed in Policy 19.1.7. We suggest adding "historic resources" to Goal 19.

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

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☐ St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Tampa Regional Office
(813) 272-3843 • FAX: 272-2340

Mr. Eubanks
October 24, 2001
Page 2

In sum, it is our opinion that the amended comprehensive plan meets (although known and potential historic resources need to be carefully considered in the planning phases of proposed land use changes) the State of Florida's requirements as promulgated in sections 163.3177 and 163.3178, F.S., and Chapter 9J-5, F.A.C., regarding the identification of known historical resources within their specified area of jurisdiction, and for the establishment of policies, goals and objectives for addressing known and potentially significant historical resources in Lee County.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp or Laura Kammerer of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Snyder Matthews". The signature is written in a cursive, flowing style.

Janet Snyder Matthews, Ph.D., Director

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE

Katherine Harris

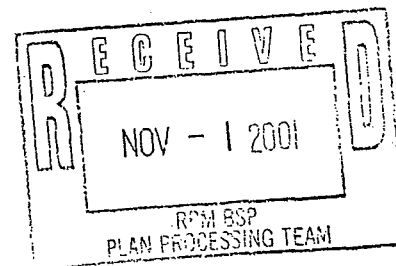
Secretary of State

DIVISION OF HISTORICAL RESOURCES

October 24, 2001

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

9RW
11-2-0



Re: Historic Preservation Review of the Lee County (01-1) Comprehensive Plan Amendment Request (Received by DHR on 09/24/01)

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We have reviewed many proposed text changes and Future Land Use Map amendments to the Lee County Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that many of the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Lee County. Specific comments regarding individual amendments are as follows.

Amendment PAT99-20, CPA2000-04 (Orange River Property) and CAP2001-01 (Bonita Beach Road) have both had archaeological surveys completed where potentially significant resources were discovered. As long as appropriate actions are taken to protect these resources, then any resulting changes should be acceptable. Regarding Amendment CPA2000-07, there are National Register individually listed sites and a National Register listed district within this urban infill area. It is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on these significant archaeological or historic resources. Again, if these concerns are addressed and appropriate actions are taken to protect these resources, then any resulting changes should be acceptable. For Amendment CPA2000-19, historic resources are addressed in Policy 19.1.7. We suggest adding "historic resources" to Goal 19.

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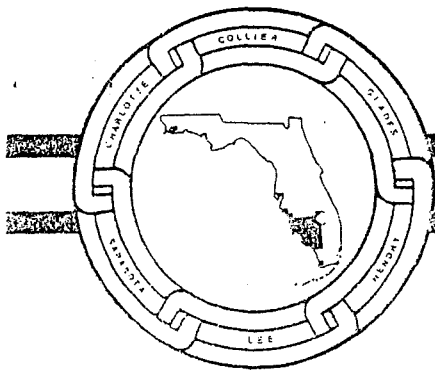
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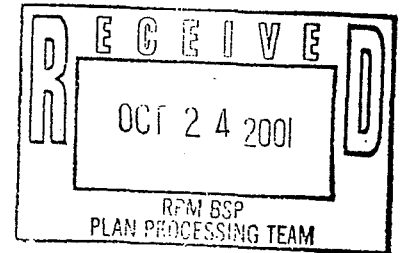


Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (941) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX 941-656-7724



*9RW
10-24-01*

October 22, 2001

Mr. D. Ray Eubanks
Community Program Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Lee County/DCA 01-1

On October 18, the Southwest Florida Regional Planning Council reviewed the 24 proposed amendments 98-06 through 00-31 to the Comprehensive Plan of Lee County. That review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council approved staff comments that of the 14 Regionally Significant proposed amendments, only PAM 98-06 required mitigation to be consistent with the Strategic Regional Policy Plan, August 1995. The other 10 proposed amendments were found to be of no regional significance. Copies of the SWFRPC approved staff comments are attached.

Sincerely,
Southwest Florida Regional Planning Council

John E. Daltry FOR

Wayne E. Daltry
Executive Director

WED/JR
Attachment

c: Paul O'Connor, Director, Division of Planning, Lee County

Agenda Item 3(b)1

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS LEE COUNTY

Staff of the Regional Planning Council has reviewed 24 various proposed amendments (98-06 through 00-31) to the Lee Plan transmitted on September 12, 2001, by the Lee County Board of Commissioners. The amendments were developed and reviewed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Attachment III contains maps of proposed FLUM amendments, and Attachment IV lists related jurisdictions notified of the proposed amendments.

Staff reviews proposed amendments for the following factors of regional significance, and when significant, for consistency with the Strategic Regional Policy Plan, August 1995 (SRPP).

1. Location-in or near a regional resource or regional activity center; on or within two miles of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
- 2 Magnitude--equal to or greater than 80% of the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
- 3.Character-of a unique type or use, directly identified as a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction.

The following table summarizes the staff review of the 24 proposed amendments:

Amendment	Factors of Regional Significance			Consistent with SRPP
	Location	Magnitude	Character	
PAM 98-06	yes	no	yes	Mitigation required.
PAT 98-14	no	no	yes	yes
PAT 99-20	yes	yes	no	yes
CPA2000-02	no	no	no	n/a
CPA2000-03	yes	no	no	yes
CPA2000-06	no	no	no	n/a
CPA2000-07	no	no	no	n/a
CPA2000-08	no	no	no	n/a
CPA2000-09	yes	yes	yes	yes
CPA2000-10	yes	yes	yes	yes
CPA2000-11	no	no	no	n/a
CPA2000-13	no	no	yes	yes
CPA2000-14	no	no	no	n/a

SWFRPC COMMENTS
24 Proposed Lee County Comprehensive Plan Amendments

Background and Purpose of PAM 98-06

This proposal would amend the Future Land Use Map from *Rural* to *Outlying Suburban* for 51.63 acres of land adjacent to the Estero Scrub Preserve. (See Map #1, Attachment III) The proposal lies west of the current terminus of Pine Road west of U.S. 41 in Estero.

Regional Significance and Consistency - Of the 15 issues identified with this proposal in the County staff report, the following appear to be inconsistent with the SRPP:

The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46, the number of vehicles evacuating in a hurricane from 58 to 116, and the number of people evacuating from 109 to 218. (See Map # 2, Attachment III.)

These issues could be resolved by clustering and elevating any development on the site to make the proposal consistent with the following goal and policy of the Strategic Regional Policy Plan, August 1995:

III. Emergency Preparedness

Goal III-2: Public policy, near shore and island housing costs, and hurricane threat awareness will result in a declining percentage of the region's population living in category 1,2 or 3 storm surge zones.

Policy 5. Discourage residential development from locating in areas most vulnerable to hurricanes.

Background and Purpose of PAT 99-14

This proposal would amend the Community Facilities and Services Element by modifying Policy 39.1.4 to reflect the current status of Lee County Division of Natural Resources in completing the identified basin studies and providing technical flood plain information and analysis. The County staff report notes that since the identified basin studies have been completed, the amendment proposes that the references to the basin studies be removed from Policy 39.1.4. The policy would be amended to contain references to the appropriate government agencies that will be assisting Lee County in the development of new flood plain information.

Regional Significance and Consistency - The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-3: From 1995, All existing and identified future water supply sources will be protected from degradation and from detrimental impacts by human activities,--

Policy 11. Research for the development of water conservation areas to provide for natural attenuation of stormwater runoff peaks, water quality enhancement, and the potential for aquifer recharge should be continued.

Communities Acreage Allocation for the Daniels Parkway Planning Community, to remove 68 residential acres from the *Mixed Use Interchange* category and add 68 residential acres to the *Outlying Suburban* category.

Regional Significance and Consistency - The County staff report concludes that the proposed amendment would reduce potential residential units from 755 to 459, and non-residential floor area from 1,578,614 sq. ft. to 100,000 sq. ft. This would reduce the total impacts to public services that could otherwise occur under the present Future Land Use Map category. The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

II. Economic Development

Goal II-6: All local governments will eliminate deficiencies in public facilities and services and establish properly financed maintenance schedules.

Policy 8. Land development plans and regulations should: c. encourage or direct development to areas with adequate current or programmed facilities and services.

Background and Purpose of CPA2000-06

The proposal would amend the Future Land Use Map for 413+ acres on the northern edge of Cape Coral near Eagle Road, Section 24, Township 43S, Range 23E, from *Open Lands* to *Rural*. In addition, the amendment adds a footnote clarifying an exception to the *Rural* category for the area limiting the density in this area to 1 du/2.25 acres. The County staff report states that the *Rural* category is a more suitable designation for the site than the *Open Lands* category given the existing density of residential uses and the character of the area.

Regional Significance - The site is divided into 113 single family residential parcels, is about 70% developed, and is surrounded on the east, south and west by the quarter-acre platted lots of the City of Cape Coral. The area would remain designated as a non-urban area without increases in the allowable commercial and industrial intensities and the amendment would have a minimal impact on public service providers. Thus, it is local matter and not regionally significant.

Background and Purpose of CPA2000-07

The proposed amendment would add a map delineating several square miles in Sections 13 and 24, Township 44 South, Range 24 East and Sections 17, 18, 19, and 20 Township 44 South, Range 25 East as an urban infill area. In addition, it would add a new policy describing urban infill areas of the County under Objective 1.7, Special Treatment Areas, of the Future Land Use Element. The County staff report indicates that state of Florida money may be available, for both planning and implementation, for Urban Infill and Redevelopment Grants. The City of Fort Myers has identified an area along Martin Luther King Boulevard that has already qualified for a planning grant. The area contains both incorporated and unincorporated properties.

Regional Significance - The proposed plan amendment, identifying the area for the planning study, is required in order to qualify for and receive the grant funding. At this time the grant application has been submitted and the City has been approved for the planning grant funding.

Background and Purpose of CPA2000-10

This amendment to the Future Land Use Element would add *Research and Development* as a permitted use under Policy 1.2.2, the Airport Commerce descriptor policy. The County staff report concludes that *Research and Development* land use is consistent with the uses that are already permitted in the Airport Commerce land use category.

Regional Significance and Consistency - Providing for this use in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. *Research and Development* uses would benefit from a location proximate to the airport, the University, and I-75. The proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

II. Economic Development

Goal II-20: All communities will promote public and private investment opportunities for existing and future urban areas.

Policy 6. Incentives should be provided for developing land in a way that maximizes the efficient use of existing state, regional, and local public facilities and services.

Background and Purpose of CPA2000-11

The County staff report states that this amendment would modify Policy 6.1.2.6 of the Future Land Use Element to clarify that extension of the *Interstate Interchange* use is not by right, but is permissive and subject to County review and approval. Policy 6.1.2.6 states that "any contiguous property under one ownership may be developed as part of the interstate interchange..." This language does not guarantee that the interchange uses will be extended, nor does it state that the expansion of interchange uses is a choice made solely by the developer.

The policy provides that certain criteria must be met in order to qualify for the expansion of the interchange, and once those criteria have been met, then the County has the ability to decide whether or not to allow it. The County staff report states that the decision of whether or not to allow an interchange to be expanded should be made at the full discretion of the Board of County Commissioners, given the potential impacts to the surrounding existing and future land uses.

Regional Significance - The existing language of Policy 6.1.2.6 does not make it clear enough that the County has full discretion over the expansion of the interchange uses. County staff has proposed a language amendment to help clarify this issue. Thus, the proposed amendment is procedural in nature, and not regionally significant.

Background and Purpose of CPA2000-13

The proposal would amend the Future Land Use Element by adding a policy to Goal 16, *Private Recreational Facilities* in the *Density Reduction/Groundwater Recharge (DR/GR)* category, specifying minimum indigenous preserve area requirements. The purpose of the 200 acre indigenous preservation requirement for golf courses within the *DR/GR* is to protect water recharge, storm water storage, and wildlife habitat. The County staff report advises that criteria

for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other land use categories, due to the sensitivity and importance of these lands to the general public.

Regional Significance and Consistency - Current Policy 16.8 does not contain all the pertinent information for establishing minimum indigenous preservation criteria. The County intends to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved. The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land regulations.

Policy 9. Measures which maintain the Region's current complement of fish and wildlife species through the preservation of diverse and viable habitat should be implemented by land management programs and development regulations.

Background and Purpose of CPA2000-14

The proposed amendment to the Future Land Use Element would modify Policy 16.3.9 to clarify the maintenance area intensity limitations. The County staff report indicates that Policy 16.3.9 is ambiguous in its limitation on golf course maintenance areas. The 25,000 square feet per 18 hole regulation was intended to apply to the area of the maintenance building. Internal examination of the regulation, however, revealed that the limitation needs to be expanded to also include an acreage limitation that can accommodate other maintenance functions that may fall outside the primary maintenance building.

Regional Significance - The combination of the two limitations would prevent future confusion over the intent of the policy. Thus, the amendment is basically procedural.

Background and Purpose of CPA2000-15

The proposal would amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses to be consistent with the existing LDC regulation.. The County staff report notes that the LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Regional Significance - This plan amendment is essentially procedural, and not of regional significance.

Background and Purpose of CPA2000-21

This is a general update of the Transportation Element. The County staff report notes that the changes include:

- a modification of Policy 22.1.4 to update the references to particular versions of the Highway Capacity Manual and the FDOT Level of Service Manual,
- a modification of Policy 26.1.3 to distinguish between traffic control devices and plans,
- an expansion of Goal 27 to include operations and maintenance among the aspects of transportation improvements that require coordination with other governmental entities,
- an addition of the new City of Bonita Springs to the list of cities in which the County declares a position of interest on land use decisions in Policy 27.1.3, and
- an update of Policy 21.1.1 and the transportation map series to reflect the most recent Metropolitan Planning Organization (MPO) 2020 highway and transit plans.

Regional Significance and Consistency - The proposed amendment is regionally significant because it would help implement the following goal and policies of the Strategic Regional Policy Plan, September 1995:

V. Regional Transportation

Goal V-14: Local governments and Metropolitan Planning Organizations will ensure through their planning programs that future road networks will accommodate travel demands across jurisdictional boundaries.

Policy 3. Area local governments and regional and state agencies should coordinate roadway network expansion programs.

Policy 9. Transportation improvements are to be located, designed, and scheduled in a manner to coordinate transportation improvements with state, regional, and local plans.

Background and Purpose of CPA2000-22

This proposal would amend the Conservation and Coastal Management Element by adding a policy under Goal 78, Policy 78.1.6, stating that Lee County encourages the efforts of the South Florida Water Management District in establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River. County staff observes that the South Florida Water Management District, the delegating entity over Southwest Florida's waterways, is establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River through the participation of several studies and plans.

Regional Significance and Consistency - Although somewhat procedural, adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan supporting the Caloosahatchee River planning effort would encourage implementation of the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV: Drainage systems will be managed to maintain or restore natural timing, pattern, and quality of freshwater flows of the watershed basin.

Policy 3. The restoration of altered natural water systems by local governments and water management districts should be encouraged and supported.

IV. Natural Resources

Goal IV-2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.

Policy 2. Unique natural habitats including beaches, primary dunes, estuaries, and wetlands should be protected, conserved and restored to maintain their environmental, economic, aesthetic, and recreational values through land management programs, land acquisition programs and land development regulations.

Background and Purpose of CPA2000-26

Prior changes to the Transportation Element of the Lee Plan eliminated references to "backlogged" roads because they had all been addressed in one fashion or another, and clarified some references related to "constrained" roads. These changes were not reflected in the Capital Improvements Element, where Policy 70.1.3 still includes "backlogged" and "constrained" roads references that are now inconsistent with language in the Transportation Element. The amendment eliminates the "backlogged" roads reference and updates the "constrained" roads reference in Policy 70.1.3.

Regional Significance - This proposed amendment is procedural and not regionally significant.

Background and Purpose of CPA2000-27

This proposed amendment updates the Capital Improvements Element to reflect the latest adopted Capital Improvement Program (CIP). Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the Comprehensive Plan be amended annually to reflect the modifications of the most recently adopted CIP.

Regional Significance - This proposed amendment is procedural and not regionally significant.

Background and Purpose of CPA2000-29

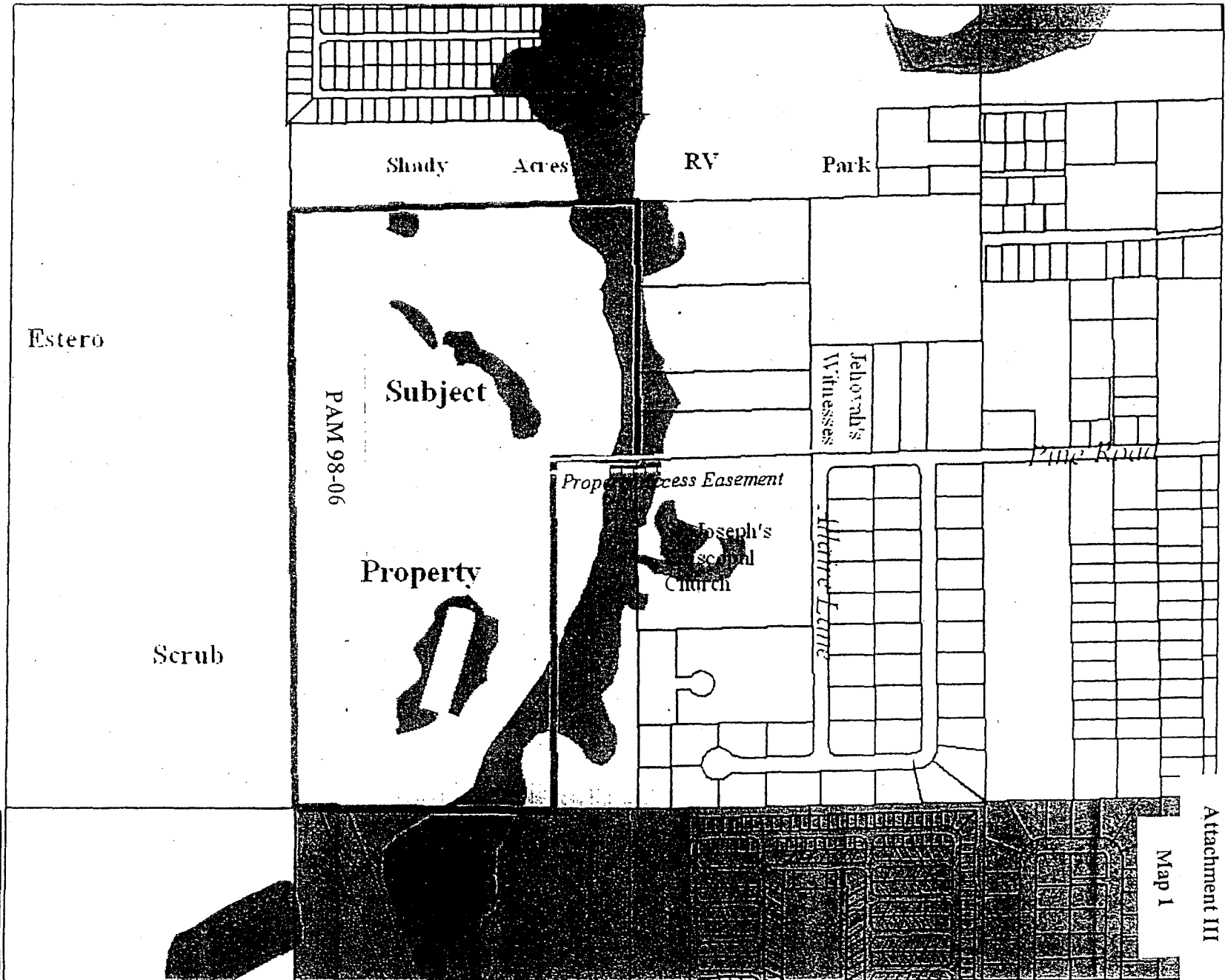
This proposed amendment would add a definition for the term "Natural Resource Extraction" to the Lee Plan Glossary. In addition, the proposal would amend the Future Land Use Element by adding the term "Natural Resource Extraction" to Goal 10 and its Objectives and Policies, clarifying that natural resources other than minerals are subject to Goal 10 requirements. Principal resources sought in Lee County are sand, gravel, limestone, oil and gas which include both organic and inorganic materials.

Regional Significance and Consistency - The County staff report notes that in addition to protecting surrounding land uses, the proposal would also ensure that all mined material operations, organic and inorganic, conform to County environmental and reclamation requirements. Thus, the proposed amendment is regionally significant because it would help implement the following goal and policy of the Strategic Regional Policy Plan, September 1995:

IV. Natural Resources

Goal IV-14: From 1995, all mining operations will be required to have reclamation programs which will be implemented in a timely manner.

Proposed Future Land Use Map



- FLUM Designations**
- Wetlands
 - Rural
 - Suburban
 - Urban Community
 - Outlying Suburban

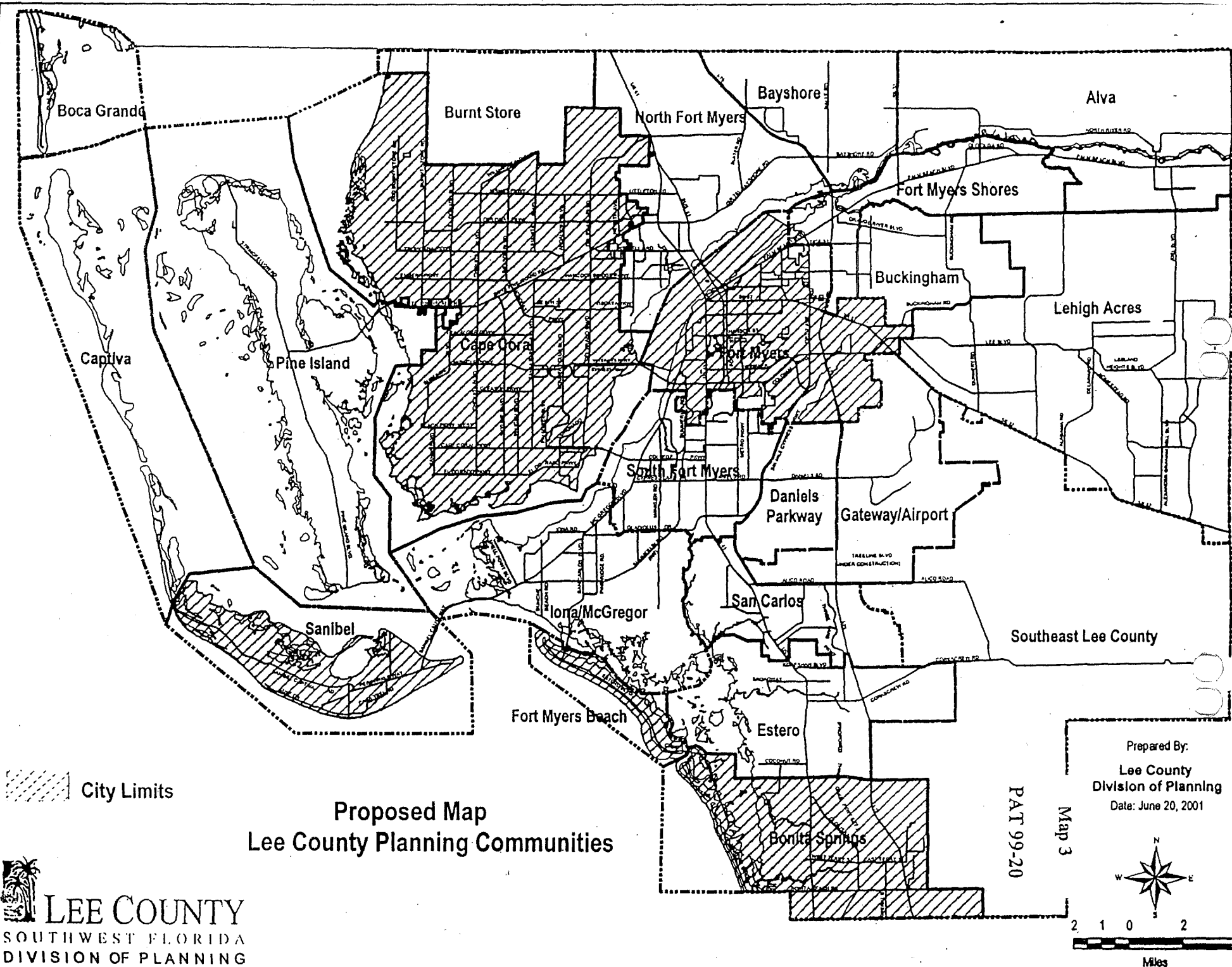
Map created Mar 21 2001

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THE CITY OF
MILWAUKEE

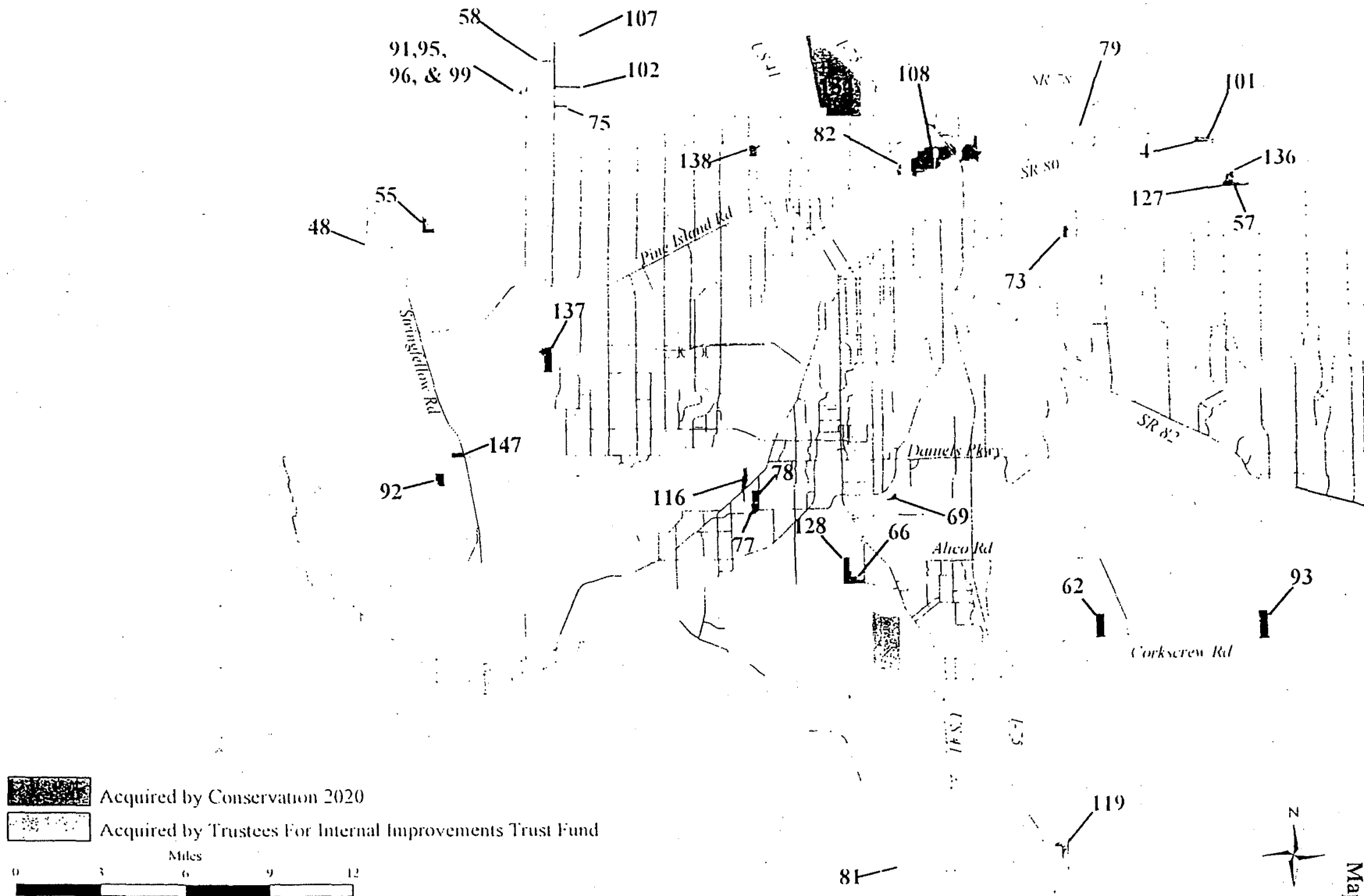
Agenda Item 3(b)1
Attachment III

Map 1



Lee Plan Amendment CPA 2000-09

Areas proposed for inclusion in Conservation Lands



**Lee County Proposed Plan Amendments
SWFRPC Notification Protocol, 18Sep01**

Agenda Item 3(b)1
Attachment IV

Receiving Jurisdictions

Possible	Mandatory
<u>Related State Agencies</u>	
X Forestry/Ag.	County adopted>
Environmental Protection	X
X F&W Cons.Comm.	County adopted>
X Dept.of State	All adopted>
Transportation - District 1	X

Factors of Regional Significance

Location	Magnitude	Character
urban boundary		coast hi haz./shoreline
urban boundary		coast hi haz./shoreline
		historic resources

Related Regional Agencies

South Florida Water Mgt. District	X
SW Florida Water Mgt. District	—
Adjoining Regional Planning Councils:	
__Central Florida	__Tampa Bay
__South Florida	__Treasure Coast
National Estuary Programs:	
X Charlotte Harbor	__Sarasota Bay
__Tampa Bay (20 sq.mi.in N.Sarasota Co.)	
__Peace River/Manasota Water Supply Authority	
__Port LaBelle Community Development Dist.(2 counties)	
Tribes: __Miccosukee	__Seminole
X West Coast Inland Navigation Dist.(3 counties)	

district boundary		
district boundary		
<2 miles	>80% DRI	jurisdiction-wide
watershed		consistency criteria
4 counties	>80% DRI	
<2 miles		
<2 miles	>80% DRI	jurisdiction-wide
Intracoastal Waterway		beaches & boating

Possible Related Local Govts. within SWFRPC

X Charlotte County

 X Metro Planning Org.(transportation)

 __Englewood Water Mgt. District

 __School Board

 __City of Punta Gorda

__Collier County

 __Metro Planning Org.(transportation)

 __Independent Fire Districts (1 of 6)

 __School Board

 __Everglades City

 __City of Marco Island

 __City of Naples

 __Big Cypress Basin Board

__Glades County

 __School Board

 __City of Moore Haven

__Hendry County

 __Hospital District

 __School Board

 __City of Clewiston

 __City of LaBelle

<2 miles >80% DRI jurisdiction/function

Lee County

X Metro Planning Org.(transportation)

__Port Authority

__Independent Fire District

X School Board

__Independent Service District

X City of Bonita Springs

X City of Cape Coral

X City of Fort Myers

X Town of Ft. Myers Beach

X City of Sanibel

Sarasota County

__Metro Planning Org.(transportation)

__Hospital District

__School Board

__Town of Longboat Key

__City of North Port

__City of Sarasota

__City of Venice

Possible Related Counties in Adjoining RPCs

__Manatee	__DeSoto	__Highlands
__Monroe	__Dade	__Broward
		__Palm Beach

OPINION

Phone: (941) 335-0224 ■ 2442 Dr. Martin Luther King Jr. Blvd. Fort Myers, FL 33901-3987

8B WEDNESDAY, OCTOBER 17, 2001 ***

EDITORIALS

County's housing OK threatens Estero Bay

That pesky and useful environmental advisory group, the Estero Bay Agency on Bay Management, is at it again, with some of its members objecting to development plans that could harm the bay.

Good for them.

Lee County commissioners have already approved a doubling of the housing allowed on the 60-acre Estero Bay 60 project under the comprehensive land use plan — a blueprint critics say the commissioners follow all too loosely.

The doubling was approved despite objections from county staff. Staff didn't buy the justifications offered by the owners, who admit they want to increase the land's value for sale to a developer.

The land borders the environmental buffer designed to protect Estero Bay from the effects of the rapid development in the area.

Some members of the Agency on Bay Management say the land should be bought for preservation. A trustee for the owners

CALL THEM

Florida Department of
Community Affairs: (850) 414-
922-1822



says the state has already rejected that idea.

But whether the land is bought by the state or developed, the housing density should not be doubled just to increase its market value.

The Agency on Bay Management has prepared a request that the state, which must approve amendments to the land use plan, reject this one.

We agree.

People should call the state Department of Community Affairs and urge officials there to reject this amendment as an unjustified danger to Estero Bay.