



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, September 18, 2019

9:30AM

CPA2018-10012	VINTAGE COMMERCE CENTER - TRANSMITTAL
CPA2018-10013	VINTAGE COMMERCE CENTER - TRANSMITTAL
CPA2019-00005	CAM40 – TRANSMITTAL

**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(TRANSMITTAL HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, September 18, 2019. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity:

CPA2018-10013 and CPA2018-10012 Vintage Commerce Center: Amend the Future Land Use Map designation on 33.95+/- acres from Industrial Commercial Interchange to General Interchange located on the northeast corner of Alico Road and Three Oaks Parkway. Amend Table 1(b) 2030 population allocation to provide additional residential development in the General Interchange category within the Gateway/Airport Planning Community.

CPA2019-00005 CAM40: Request to add a 40 acre parcel to the Environmental Enhancement and Preservation Communities Overlay (EPCO) as identified on Map 17- Southeast DR/GR Residential Overlay. The subject property is located approximately one mile south of Corkscrew Road and approximately one mile east of Six Ls Farm Road. The applicant has filed a companion rezoning application (DCI2019-00018) to rezone the parcel to Mixed Use Planned Development as part of a 2,138 +/- acre development.

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

Documentation for the Proposed Comprehensive Plan Amendments are available at <https://www.leegov.com/dcd/planning/cpa> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendments. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of these Comprehensive Plan Amendments may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or ADArequests@leegov.com, at least five business days in advance.

CPA2019-00005

CAM40

**Summary Sheet
CAM40
CPA2019-00005**

Request:

Add approximately 40 acres to the Environmental Enhancement and Preservation Communities Overlay (EEPCO) on Lee Plan Map 17, the Southeast DR/GR Residential Overlay.

Public Comments:

No members of the public spoke at the LPA hearing.

LPA Motion:

A motion was made to find the map amendment consistent with the Lee Plan and to recommend that the Board of County Commissioners transmit CPA2019-00005 with the condition that any change in ownership would still require the restoration of the subject property. The motion passed 6 to 0 with one abstention.

VOTE:

RAYMOND BLACKSMITH	ABSTAINED
RHONDA BREWER	AYE
JAMES INK	AYE
DON SCHROTENBOER	AYE
KRISTINE SMALE	AYE
STAN STOUDE	AYE
HENRY ZUBA	AYE

Staff Recommendation:

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

**STAFF REPORT FOR
CPA2019-00005: CAM40**

Privately Initiated Map Amendment to the Lee Plan



Applicant:

V-Land-Sub LLC

Representative:

Tina Ekblad, AICP
Morris-Depew Assoc., Inc.

Property Location:

1 ± mile South of Corkscrew Road, 1 ± mile east of Six Ls Farm Road

Size:

± 40 acres

Planning Community:

Southeast Lee

Commissioner District:

District #3

Attachments:

Existing Map 17
Proposed Map 17

Hearing Dates:

LPA: 8/26/2019
BOCC: 9/18/2018

REQUEST

Request to add the subject property to the Environmental Enhancement and Preservation Communities Overlay (EEPCO) on Lee Plan Map 17, the Southeast DR/GR Residential Overlay.

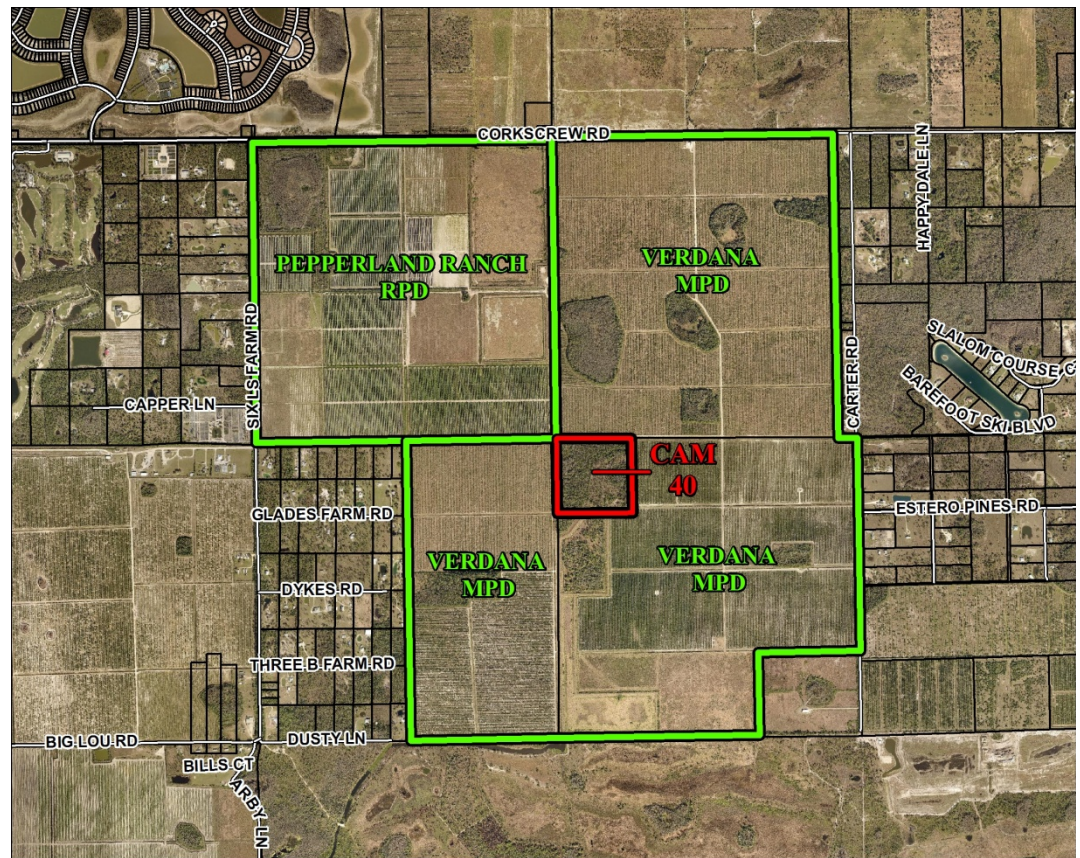
SUMMARY

The requested amendment would add the subject 40 acre parcel to the EEPCO. Adding the subject property into the EEPCO will allow an increased density of one unit per acre if regional hydrological and wildlife habitat enhancements are provided. A concurrent zoning (DCI2019-00018) includes this property as part of a larger 2,138 +/- acre EEPCO residential development.

PROJECT LOCATION

The subject property is located approximately one mile south of Corkscrew Road and approximately one mile east of Six Ls Farm Road.

FIGURE A: AERIAL LOCATION MAP



RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the requested amendment based on the analysis and findings provided in this staff report.

**PART 1
CONCURRENT APPLICATION REVIEW**

The applicant has filed a companion rezoning application (DCI2019-00018) that is being reviewed concurrently with this plan amendment application. The applicant is seeking to rezone 2,138 +/- acres, including the subject property, to Verdana Village Mixed Use Planned Development (MPD) for development of a residential community with significant hydrological and wildlife habitat enhancements.

**PART 2
PROPERTY INFORMATION**

Subject Property

The subject property is located approximately one mile south of Corkscrew Road, and one mile east of Six Ls Farm Road. It is currently zoned AG-2 and contains approximately 40 acres. It is located in the Southeast Lee Planning community and designated as Density Reduction/Groundwater Resource DR/GR and Wetlands on the Future Land Use Map.

Southeast Lee County Community Plan Area

The Southeast Lee County Community Plan area, which is typically identified as south of SR 82 and east of the Southwest Florida International Airport, Florida Gulf Coast University and municipalities of Estero and Bonita Springs. The Southeast Lee County Community Plan area contains property within the DR/GR, Wetlands, Conservation Lands (uplands and wetlands), and Public Facilities future land use categories. The Community Plan area is anticipated to develop at relatively low densities and intensities. Development within the Southeast Lee Community Plan area is guided, in part, by Goal 33 of the Lee Plan.

DR/GR and Wetlands Future Land Use Categories

The subject property has been designated as DR/GR and Wetlands on the Future Land Use Map since 1990. DR/GR lands provide recharge to aquifers as provided in Policy 1.4.5, and residential land uses are limited to one unit per ten acres. Development in Wetlands future land use category is limited to low density residential, limited recreation, open space and conservation. Both properties will remain within the DR/GR and Wetlands future land use categories.

***POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Ordinance No. 94-30, 18-28)*

***POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.*

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

compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, 33.3.5 and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.
 - a) For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies.
 - b) 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 wetland areas.
 - c) The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies

Environmental Enhancement and Preservation Community Overlay (EPCO)

The request is to add the subject 40 acre parcel into the EPCO on Map 17 which will allow for increased density in return for regional environmental benefits. The units will not be constructed on the subject 40 acre parcel as proposed in the companion rezoning. Water and sewer service lines will not be extended to the subject property.

POLICY 1.7.13: *The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.5. This overlay affects only Southeast Lee County and identifies five types of land:*

5. *“Environmental Enhancement and Preservation Communities:” Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.
(Ordinance No. 10-19, 12-24, 14-10, 15-13)*

Tier One Priority Restoration Overlay

The subject property is located in a Tier 1 DR/GR Priority Restoration land identified on Lee Plan Map 1, Page 4. Tier 1 properties are lands which have top priority for restoration, including historic surface and groundwater levels, and connection of existing corridors or conservation areas to serve as wildlife habitat (Policy 33.2.2). These lands would provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement (Policy 33.2.3).

Connection to Public Water and Sewer Service

The subject property will be maintained as open space for purposes of restoration of historic flowway and wildlife habitat as demonstrated in the concurrent planned development rezoning. The subject property will not be added to Lee Plan Map 6 - Lee County Utilities Future Water Service Areas or Map 7 - Lee County Utilities Future Sewer Service Areas. No units are proposed to be constructed on the subject 40 acre property and the 40 units from this property will be distributed into a larger 2,138 +/- acre development on adjacent properties with shared ownership. Therefore, the extension of public utilities to the subject property is not necessary.

Surrounding Properties

The surrounding properties to the north, northwest, east and west are within the Density Reduction/Groundwater Resource (DR/GR) and Wetlands future land use categories. These properties are zoned for mixed and residential planned developments. The Verdana Mixed Use Planned

Development (MPD), and Pepperland Ranch Residential Planned Development (RPD) are within the EEPCO and are also within the Tier 1 Priority Restoration Land identified on Lee Plan Map 1, page 4. The concurrent zoning, Verdana Village MPD (DCI2019-00018), combines the subject property, Pepperland Ranch RPD and the Verdana MPD.

More detailed information on the surrounding properties is provided below in Table 1 and locations are shown on Figure A.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	DR/GR; Wetlands EEPCO	Verdana MPD approved for 1,460 units and 30,000 SF of accessory commercial uses on 1,460 acres. (Z-18-010)	Undeveloped; Groves
Northwest	DR/GR; Wetlands EEPCO	Pepperland Ranch RPD approved for 700 units on 637.5 acres. (Z-17-013)	Undeveloped; Cropland
South	DR/GR; Wetlands EEPCO	Verdana MPD	Undeveloped; Groves
East	DR/GR; Wetlands EEPCO	Verdana MPD	Undeveloped; Groves
West	DR/GR; Wetlands EEPCO	Verdana MPD	Undeveloped; Groves

PART 3

STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The applicant is requesting to add the subject 40 acre parcel to the Environmental Enhancement and Preservation Communities Overlay by amending Map 17, Southeast DR/GR Residential Overlay.

Lee Plan Consistency

The subject 40 acre parcel would be combined with the Pepperland Ranch RPD and Verdana MPD which surrounds the property on all sides. Pepperland Ranch RPD and Verdana MPD are currently within the EEPCO and adding the subject parcel would fill in the “hole in the donut,” and provide for ecological preservation and flowway continuity. Adding the subject property to the EEPCO will provide restoration of historic flowways and connection to surrounding conservation lands. This is consistent with Objective 33.2 Water, Habitat and other Natural Resources, for protection and restoration of critical lands in southeast Lee County.

When the subject property is combined with the proposed Verdana Village MPD, the request is consistent with the locational standards in Policy 33.3.4. The combined property is west of the Imperial Marsh Preserve and has frontage on Corkscrew Road.

The subject 40 acre parcel contains significant wetlands and is immediately adjacent to the Verdana MPD preserve areas on four sides and adjacent to indigenous wetland restoration/conservation

easement on the Pepperland Ranch RPD site. Including the subject 40 acre parcel into the EEPCO will join the Verdana MPD preserve area located to the northeast of the site to the Verdana MPD southwest preserve via a wetland flowway.

The properties are within a Tier 1 Priority Restoration Area. Lands designated as a Tier 1 Priority Restoration Area may extend an additional mile south to include contiguous Tier 1 properties where the extension will result in a regional environmental benefit.

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

1. *These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities overlay must be consistent with the criteria below:*
 - *Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and*
 - *Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes; or,*
 - *Be located west of the intersection of Alico Road and Corkscrew Road, north of Corkscrew Road and south of Alico Road.*

Service Availability

The proposed amendment would expand the number of allowable residential units from 2 units to 40 units. There are adequate potable water, sanitary sewers, solid waste, police, fire, schools and transportation services to accommodate the additional units in the area. It should be noted that the subject property is not within the County’s water and sewer franchise area, however, the units are proposed to be placed on the adjacent lands which are located in the Lee County Utilities franchise areas and are already in the EEPCO. EMS has indicated that service is not projected to meet the existing service standards as required by County Ordinance 08-16. See EMS below for additional discussion. Also, there are no mass transit routes close to the subject property.

Transportation: The subject property is located one mile south of Corkscrew Road, east of Alico Road and 6 Ls Farm Road. Corkscrew Road is a 150 foot wide, two-lane, paved arterial roadway maintained by the County. The CPA application is required to provide the information of a short range (5 years) and long range (20+ years) level of service (LOS) analysis. Since the project is not anticipated to be developed within 5 years, there is no traffic impact analysis provided for a short range (5 years) traffic analysis. The Long Range 2040 Horizon LOS analysis indicates that in the three mile study area all the roadway segments are anticipated to operate at or better than the adopted LOS standard in year 2040.

Mass Transit: The closest bus route is Route 60 along Alico Road, approximately 8 miles from the subject property. The property is not within ¼ mile of a fixed route corridor of any route nor does the 2016 Transit Development Plan have any routes or service extensions planned near the subject property.

Utilities: The subject property is not currently within LCU future potable water and sanitary sewer service areas. The nearest potable water main is located at the east entrance of The Place subdivision on Corkscrew Road and the nearest force main is located at the west entrance of The Place. Developer funded enhancements, such as line extensions, will be required. Potable water is currently available from the Corkscrew Water Treatment Plant. Wastewater service is available from the Three Oaks Wastewater Treatment Plant. While the subject property will not have water and sewer lines extending to the property, the overall development plan which includes this land will connect to water and sewer services.

Solid Waste: The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Fire: The Estero Fire Rescue District indicated they are capable of providing fire protection. In a letter dated March 25, 2019 the Fire District states the subject property is over 5 miles from Station #44 (21300 Firehouse Lane). A new fire station is planned for this general area in the next 3 to 5 years.

EMS: The Lee County Emergency Medical Services is the primary EMS transport agency responsible for the subject property. In a letter dated March 22, 2019, Lee County Emergency Medical Services indicated that the ambulance for this location is Medic 21, located 10 miles west of the property. EMS service is not projected to meet the existing service standards as required by County Ordinance 08-16. The applicant will be required to address this deficiency as part of the concurrent DCI case as required by Policy 33.3.4(2)(m).

Police: The Lee County Sheriff will provide law enforcement services primarily from the South District office in Bonita Springs. The Sheriff indicated in a letter dated March 22, 2019 that the development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

Schools: There is adequate school seat capacity to serve the subject property.

PART 4 CONCLUSIONS

The subject 40 acre parcel is located in between the Pepperland Ranch RPD and Verdana MPD that are currently within the EEPKO and Tier 1 Priority Restoration Area. Consolidating the Pepperland Ranch RPD, Verdana MPD and the subject parcel would fill the "hole in the donut" and provide a regional environmental benefit through habitat restoration. This 40 acre site will allow for protection of habitat, connection to surrounding conservation lands and restoration of historic flowways.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners *transmit* the proposed amendments.

PART 5
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION
DATE OF PUBLIC HEARING: August 26, 2019

A. LOCAL PLANNING AGENCY REVIEW:

The Applicant presented an overview of the proposed map amendment and consistency with the Lee Plan. Staff provided a brief presentation for the amendment which covered consistency with the Lee Plan and staff recommendation. No members of the public addressed the LPA concerning this case.

Members of the LPA asked questions about the restoration of the subject property, location of potential residential units, and ensuring any units constructed would be contingent on restoration on the subject property.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to find the map amendment request consistent with the Lee Plan and to recommend that the Board of County Commissioners ***transmit*** CPA2019-00005 with the condition that any change in ownership would still require the restoration of the subject property. The motion passed 6 to 0 with one abstention.

VOTE:

RAYMOND BLACKSMITH	ABSTAINED
RHONDA BREWER	AYE
JAMES INK	AYE
DON SCHROTENBOER	AYE
KRISTINE SMALE	AYE
STAN STOUDE	AYE
HENRY ZUBA	AYE

PART 6
ATTACHMENTS

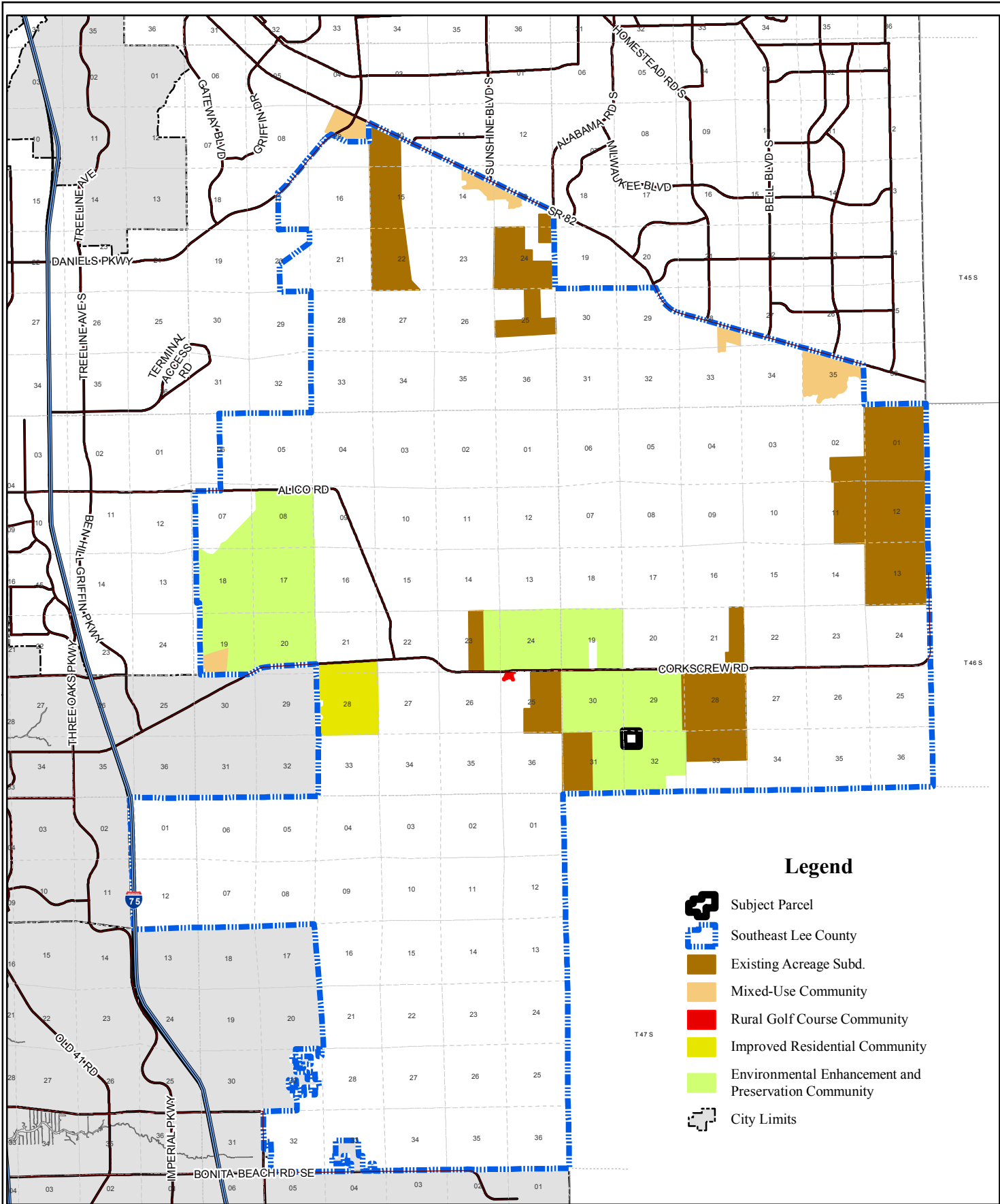
Attachment 1:

- Existing Map 17
- Proposed Map 17









Electronic Files:

<https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2019-00005>

ATTACHMENT 1



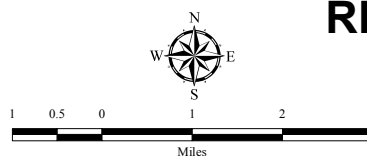
Legend

-  Subject Parcel
-  Southeast Lee County
-  Existing Acreage Subd.
-  Mixed-Use Community
-  Rural Golf Course Community
-  Improved Residential Community
-  Environmental Enhancement and Preservation Community
-  City Limits

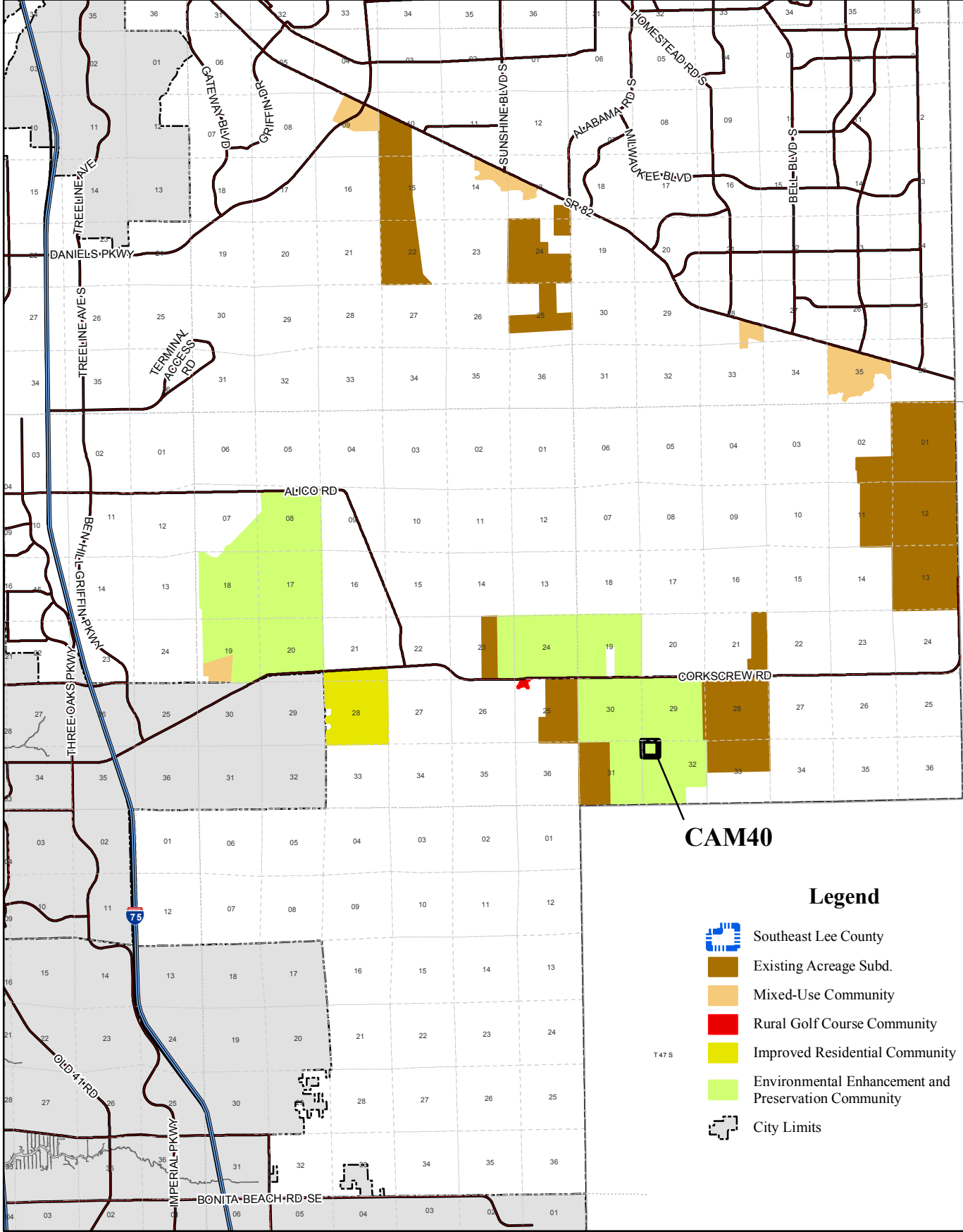


**EXISTING SOUTHEAST DR/GR
RESIDENTIAL OVERLAY**

Map Generated: August 2019
City Limits current to date of map generation










Lee Plan Map 17



CAM40

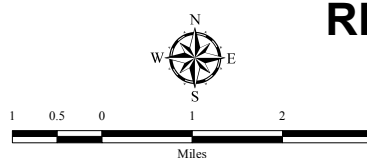
Legend

-  Southeast Lee County
-  Existing Acreage Subd.
-  Mixed-Use Community
-  Rural Golf Course Community
-  Improved Residential Community
-  Environmental Enhancement and Preservation Community
-  City Limits



PROPOSED SOUTHEAST DR/GR RESIDENTIAL OVERLAY

Map Generated: July 2019
 City Limits current to date of map generation



Lee Plan Map 17

TO VIEW APPLICANT MATERIALS,
CLICK THE LINK BELOW:

[Click Here](#)