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Daniels Falls Encore MFR
Comprehensive Plan Amendment
Lee Plan Consistency and Justification Narrative **COMMUNITY DEVELOPMENT**

INTRODUCTION & PROPOSED MAP AMENDMENTS

The property that is the subject of this application is the existing Powers Court subdivision located at Powers Court and Cody Lee Road near the Daniels Parkway/I-75 interchange in unincorporated Lee County. The Powers Court platted subdivision is zoned Commercial Planned Development (CPD) and contains existing commercial development as well as roadway and stormwater management improvements. The Future Land Use Map (FLUM) currently designates this property as Outlying Suburban and Wetlands.

The applicant is requesting a FLUM Amendment to Central Urban for the entirety of the subject area, and a Mixed Use Overlay designation for the entirety of the subject area. As this request is to amend the Future Land Use Map Series involving property less than 50 acres, this request qualifies as a small scale future land use map amendment. Following the FLUM amendment, the applicant will request an amendment to the CPD, with the ultimate goal of developing multifamily residential on the vacant southeast parcel.



Figure 1: Boundary of Proposed Map Amendment

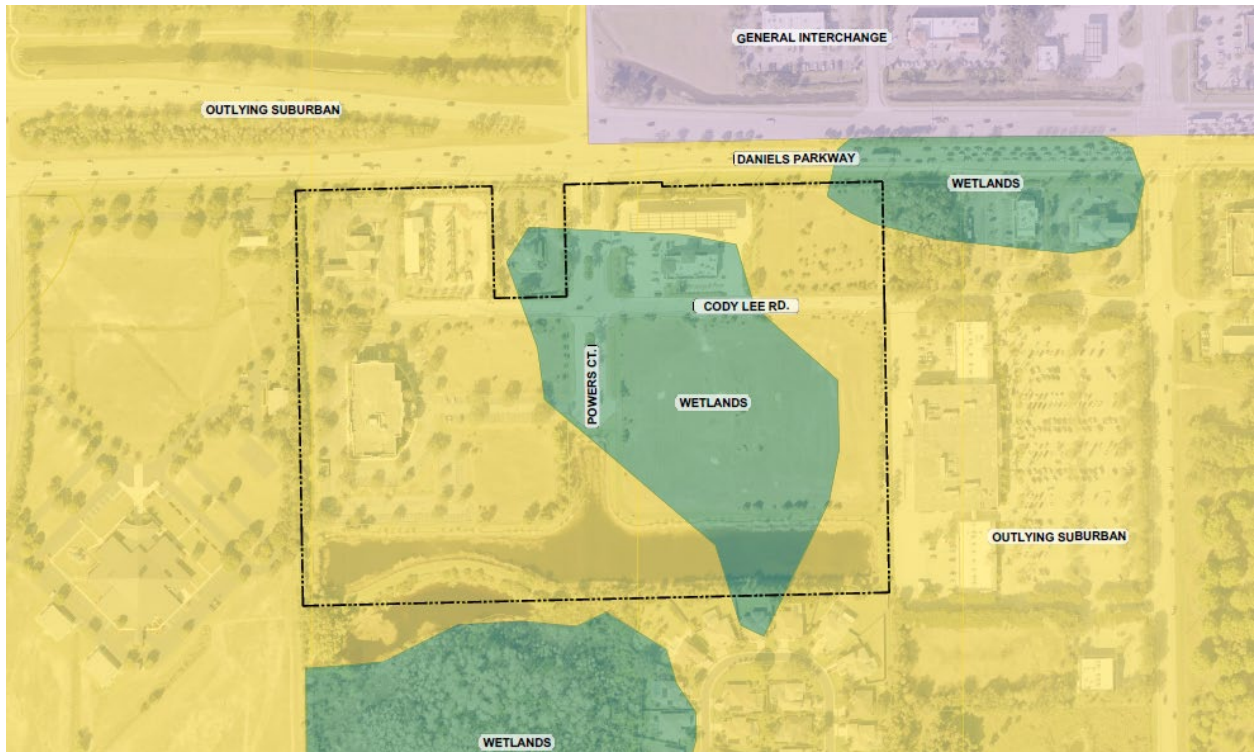


Figure 2: Existing Future Land Use Designation

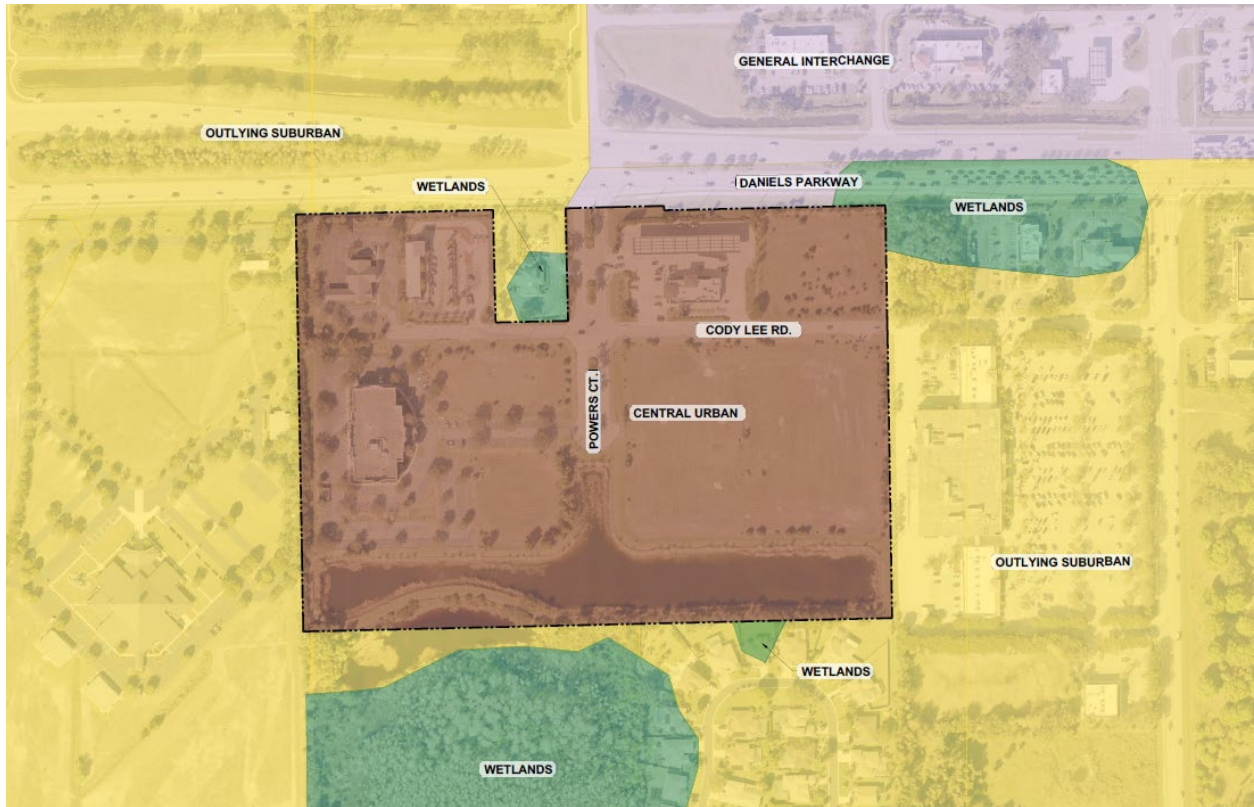


Figure 3: Proposed Future Land Use Designation

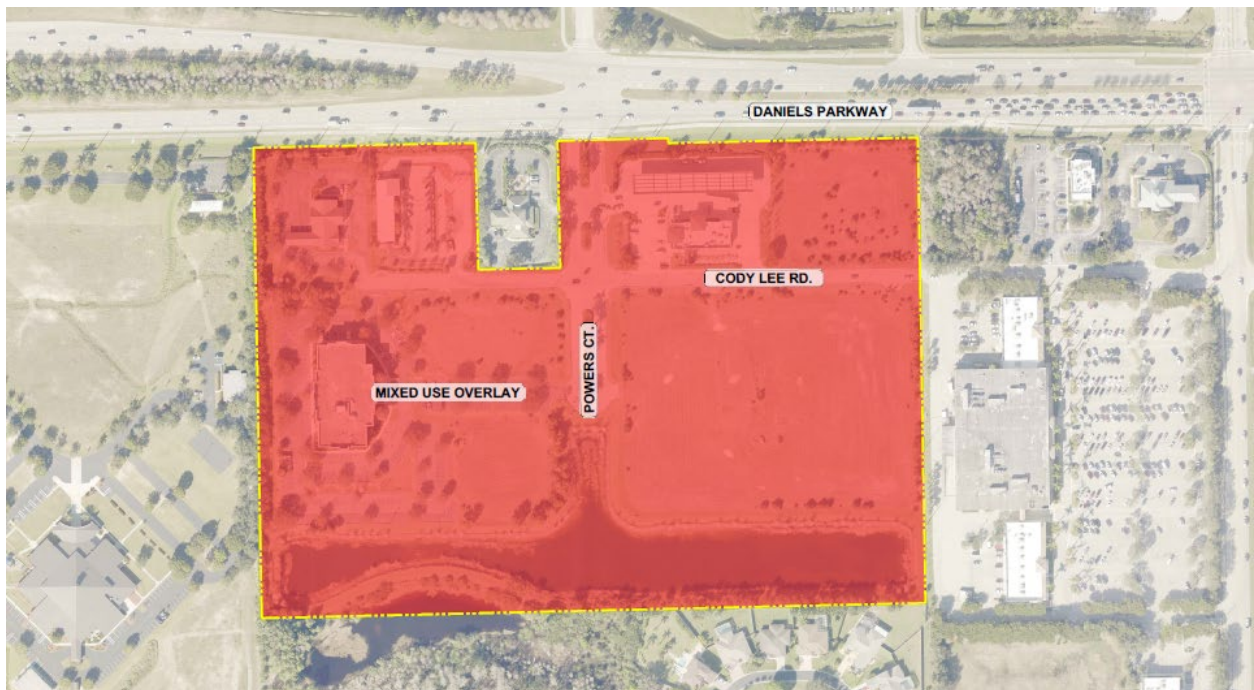


Figure 4: Proposed Mixed-Use Overlay

CHARACTERISTICS OF SUBJECT PROPERTY AND SURROUNDING PROPERTIES

The Powers Court subdivision is zoned CPD and includes an 18-pump RaceTrac service station, a car wash, office buildings, vacant land, a water management lake, and the private roadways of Powers Court and Cody Lee Road. The subdivision has frontage on Daniels Parkway, less than one mile to the east of I-75.

To the north, across Daniels Parkway from the subject property, is Daniels Parkway CPD, a 16-acre parcel of land that is currently zoned CPD and currently holds a General Interchange Future Land Use designation. The CPD was initially approved in 1993, which rezoned the property from AG-2 and allowed for the development of 77,620 sq. ft. of commercial office space and 40,000 sq. ft. of retail. In addition to the commercial space, the project was also approved for 152 hotel/motel rooms. The property is currently a commercial shopping center with multiple spaces. To the northwest of Daniels Parkway CPD is Daniels Business Center CPD, which is a 10.35-acre business center north of Salrose Lane, and is designated as Outlying Suburban on the FLUM. The initial CPD zoning resolution Z-96-009 was approved in 1996 for a total of 90,000 sq. ft. of commercial space.

To the south of the subject project is Cypress Preserve, an 85-unit gated community planned around a central lake. To the southwest of the property is the Danpark Loop community, a master-planned development off Daniels Parkway. To the southeast of the project is Daniels Villas, a small housing development directly adjacent to Fiddlesticks Blvd. as well as the Cypress Preserve community.

To the east of the subject property is the Shoppes at Fiddlesticks, a CPD located on 16.85-acres of land that is designated as Outlying Suburban on the FLUM. The project was initially approved in 2000 when it was rezoned from AG-2, CG, and CPD to CPD via zoning resolution Z-00-046.

The CPD has an approved mix of retail which is mostly being utilized by a Publix, general office uses, and restaurants. Currently, only Parcels A and B are allowed for retail (99,000 sq. ft.) and Parcels C and D are approved for office space (9,000 sq. ft.).

To the west, the Riverside Baptist Church is located on a 36.27-acre property that is zoned CPD and holds the Future Land Use designation of Outlying Suburban.

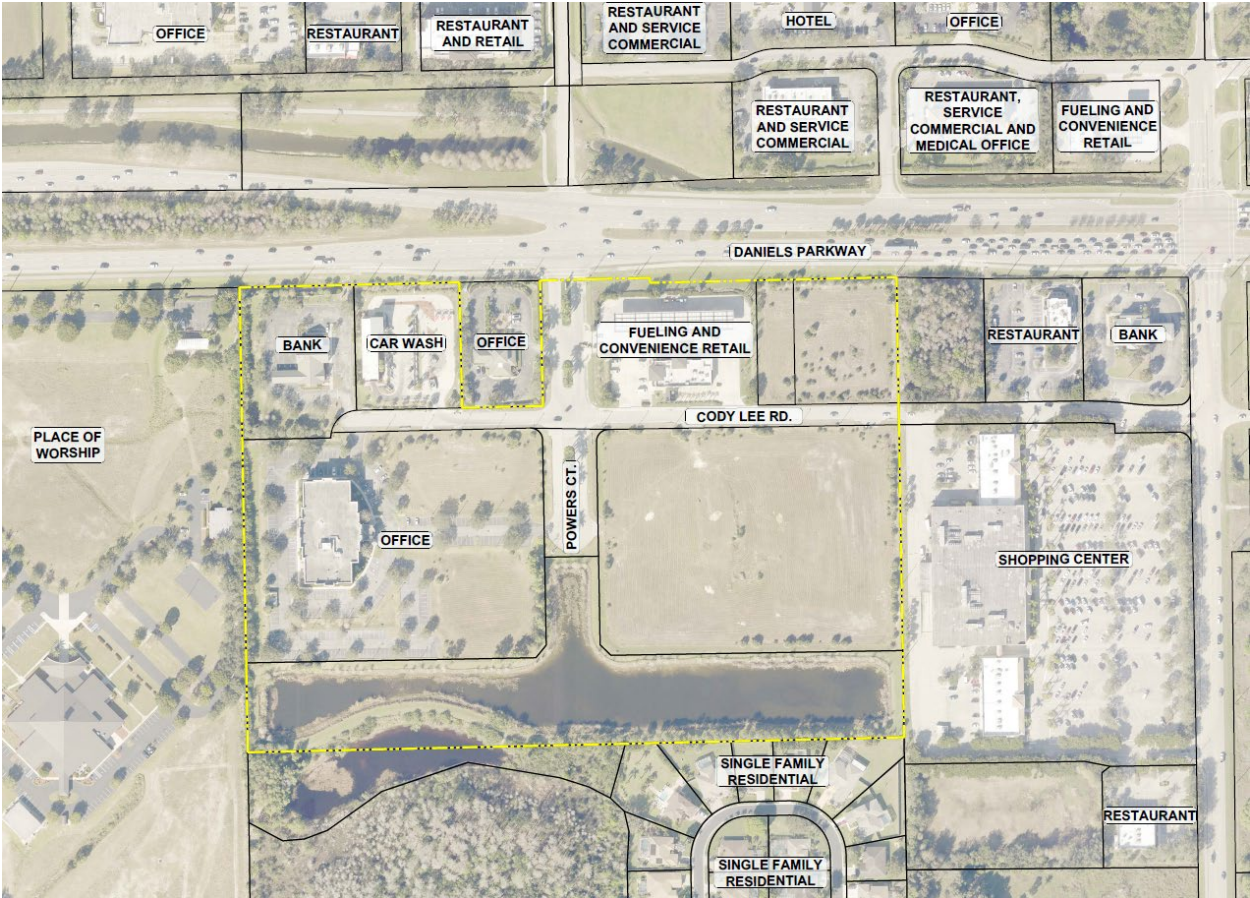


Figure 5: Aerial with Existing Land Uses

CONSISTENCY WITH LEE PLAN AND JUSTIFICATION FOR THE REQUEST

CURRENT FUTURE LAND USE DESIGNATIONS

Based on the descriptions of the Outlying Suburban, Wetlands, and Central Urban Future Land Use categories provided in the Lee Plan, the Applicant’s request increases the subject property’s consistency with the Lee Plan and furthers the Goals, Objectives, and Policies of the Lee Plan.

POLICY 1.1.6: The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.

The description of Outlying Suburban as those areas that are peripheral in relation to established urban areas is no longer appropriate for the subject property, as the area is definitively urban. At the time the County’s first Future Land Use Map was adopted in 1984 this area was perhaps peripheral. What is now Southwest Florida International Airport was originally built as Southwest Florida Regional Airport in 1983, the year prior. Since then, the airport was relocated and expanded, and Florida Gulf Coast University was

built and has expanded. Interstate 75, a major regional transportation corridor, the international airport, Gateway and other communities, as well as South Fort Myers High School and the schools within Gateway are all located east of the subject property. Gulf Coast hospital, commercial and residential uses are located to the west of the subject property. The property is located between two baseball spring training facilities. The corridor is very different today. Thus, the Outlying Suburban FLUC does not meet with the character of the surrounding area or provide for development which is consistent with the needs of the community at this location which is less than a mile from I-75 and surrounded by commercial uses, which will complement the proposed multifamily residential development.

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in §373.4211, Fla. Stat.

The existing Wetlands future land use designation is not supported by the site conditions and documentation pertaining to the site. A significant portion of the area that is designated Wetlands FLU is developed with a RaceTrac gas station, roadways and the permitted stormwater management system. The existing Environmental Resource Permit (ERP) that was issued for the subject property in 2006 by the South Florida Water Management District (SFWMD), indicates a number of factors when taken with the site conditions that support the finding that no wetlands are present on site. These factors include the established control elevation of 16.4' NAVD relative to the seasonal high-water table (SHWT), and the ability to place fill on the property. Page 12 of the approved ERP that was issued for the subject property states:

There are no wetlands or other surface waters located within the project boundaries. No adverse environmental conditions are anticipated as a result of project construction.

The ERP was issued by the SFWMD, a State agency which charged with regulating wetlands according to the Florida Statutes in accordance with their Applicant's Handbook Volume II. Their determination that no wetlands are present is a sufficient basis to determine that designating any portion of the subject property with a Wetlands FLU category is inconsistent with the description of the Wetlands future land use category, as provided in the Lee Plan.

Additional factors supporting the finding that the area indicated on the FLUM as Wetland are not wetlands relate to the use of the site since the approval of Lee County Development Order DOS2005-00217 and the improvements made to the property associated with that approval. The DO and ERP authorized the placement of fill on the development tracts with the creation of a stormwater management system to support use of the property. During construction of some of the buildings, lake, and parking that took place between 2006 – 2008, the site was filled such that most of the areas were elevated above the permitted control elevation for the property at Elev. 16.4' (NAVD) as noted above. These portions of the site that were filled also had construction equipment and materials operating over them for many months to the extent that the ground was compacted during that use of these areas. Figure 6 below, is an aerial photograph from 2008 that shows the areas where these activities took place as marked by the light-colored sand and limerock that was spread on the site at the time.

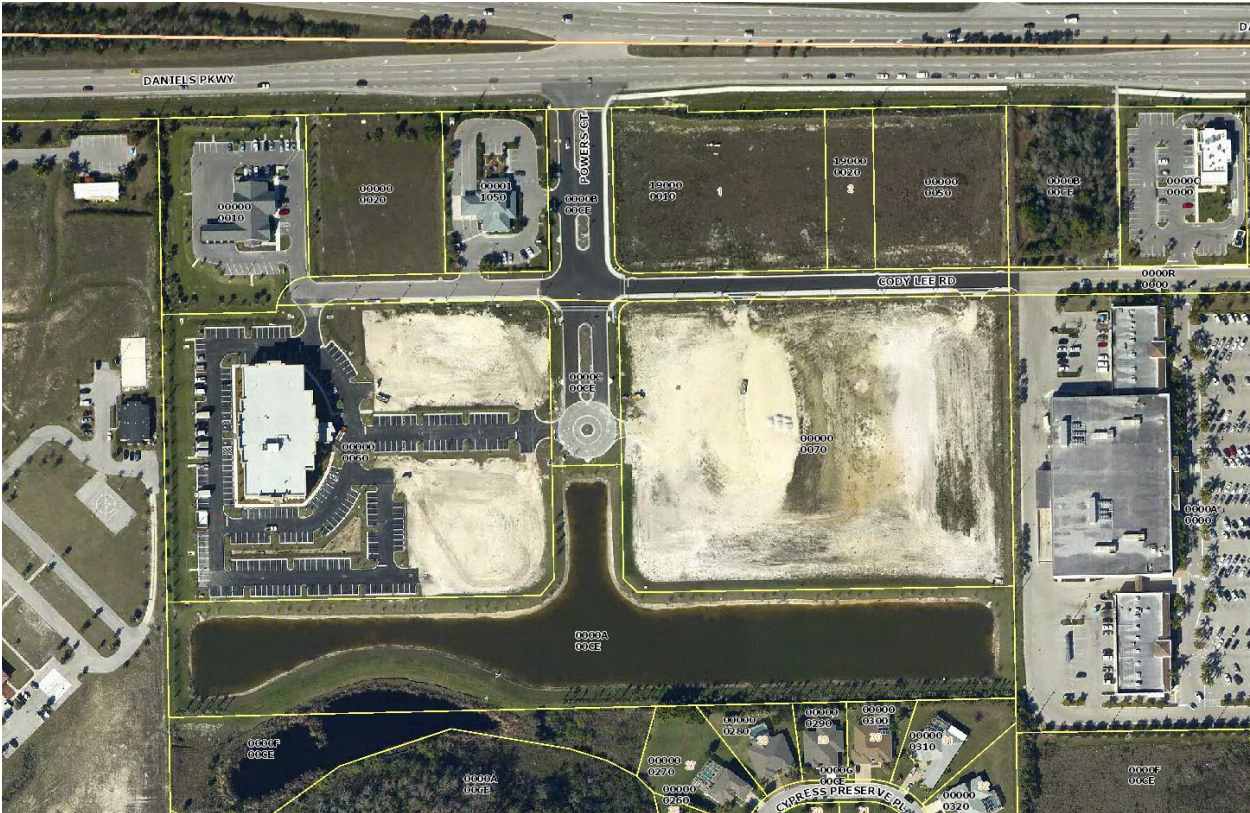


Figure 7 uses the same 2008 aerial with the Current FLUM overlaid to provide an understanding of the relationship between the current designated Wetland FLU and the areas of the site that were improved during construction as indicated above on Figure 6.



Figure 7: 2008 Aerial Depicting Filling Activity with FLUM

Figure 8 depicts the areas on the vacant parcel where the elevation has been increased since the original permitting of the site. This graphic shows a comparison between the 2006 Development Order Topographic Survey data prepared by Morris-Depew Associates, Inc. and the 2018 Lee County LiDAR data where the shaded areas denote the amount of fill that was placed in specific areas and shows consistency with the 2008 construction activities depicted in Figure 6.

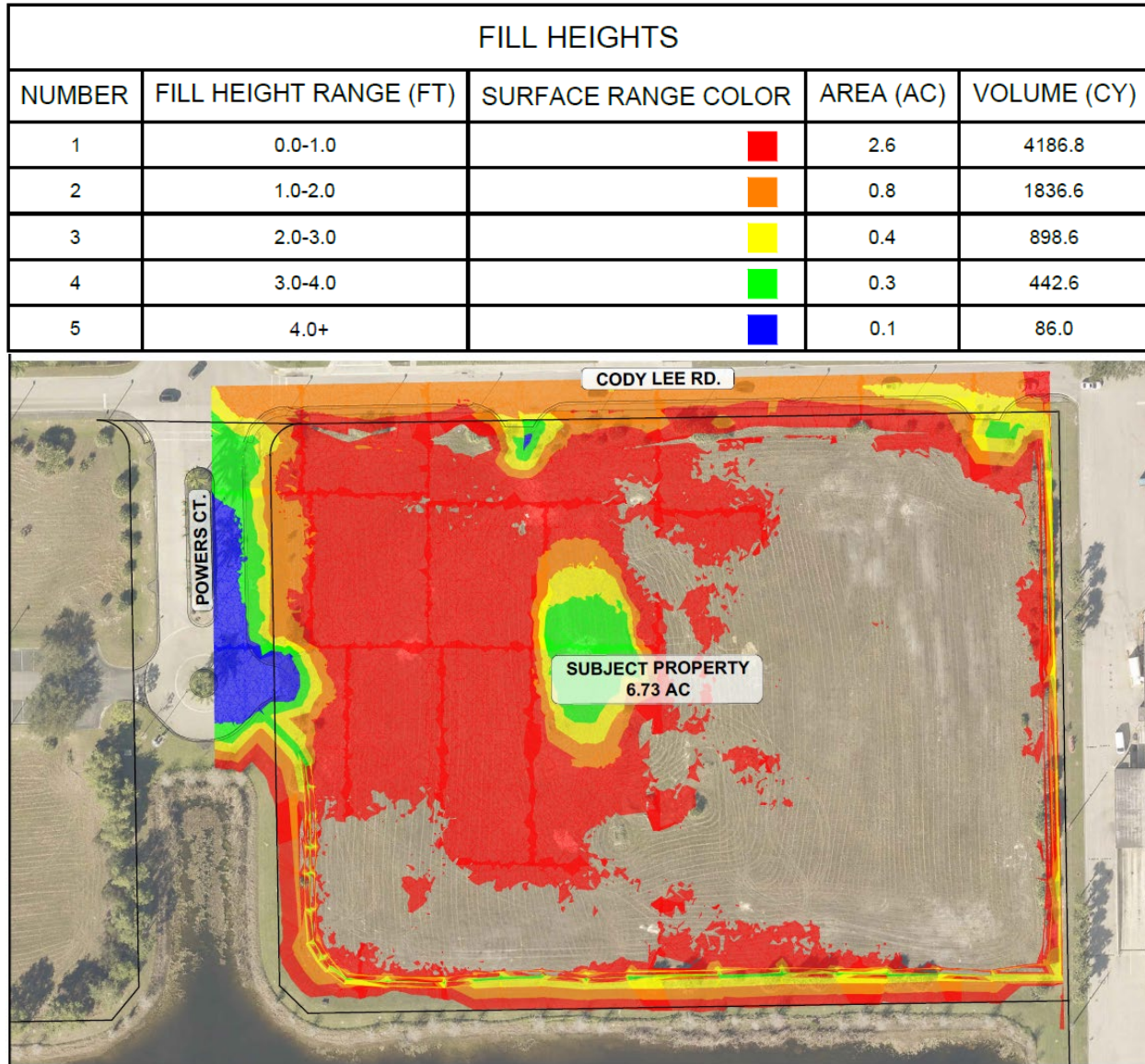


Figure 8: Filled Areas on Southeast Parcel

Figure 9 depicts the areas on that parcel where the existing grade is higher than the permitted Control Elevation established by the ERP at 16.4 ft NAVD. The Control Elevation is the grade at which the SFWMD recognizes the seasonal high-water table for the property.

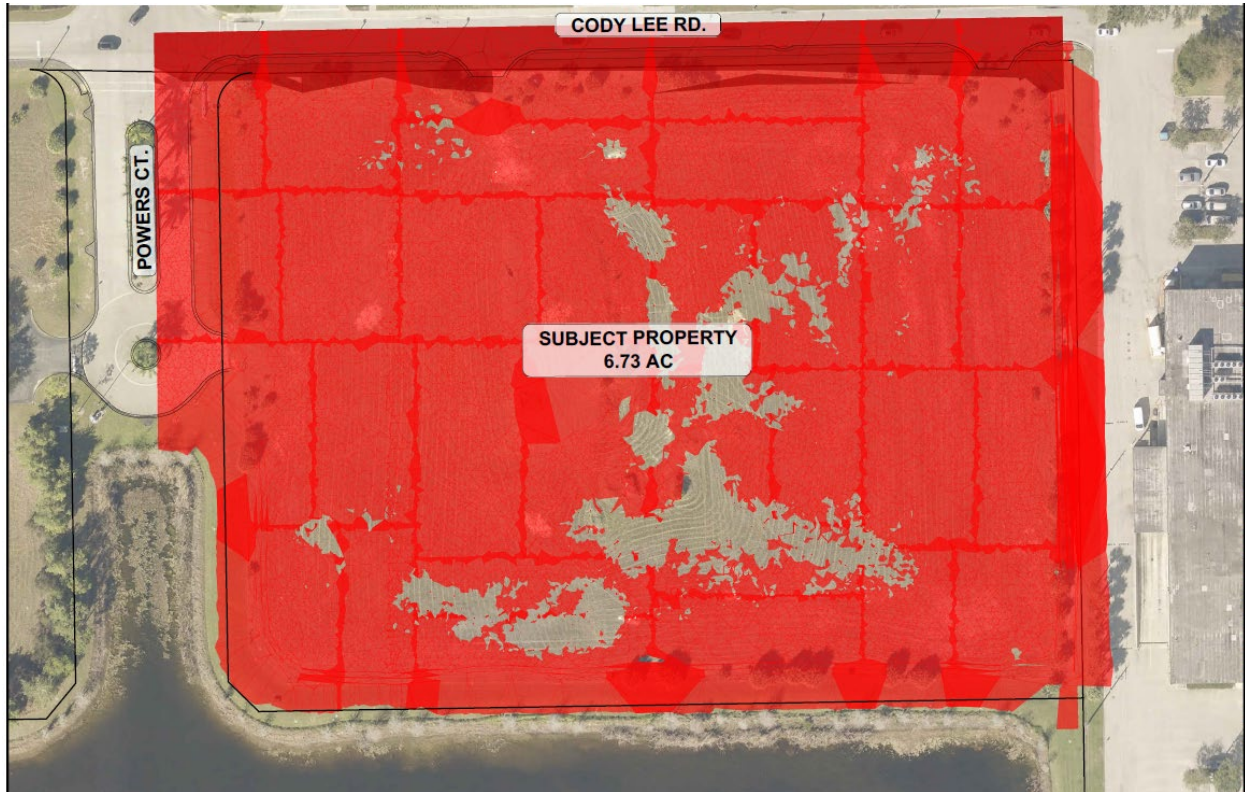


Figure 9: Areas on Southeast Parcel where Current Elevation Exceeds Control Elevation

As previously mentioned, the areas where construction activities and vehicles operated were filled and compacted. The SFWMD considers compacted soils as being impervious. Since wetlands characteristically do not exist on lands that have been compacted and/or with elevations above the Seasonal High Water Table, the project site should be considered free of wetlands.

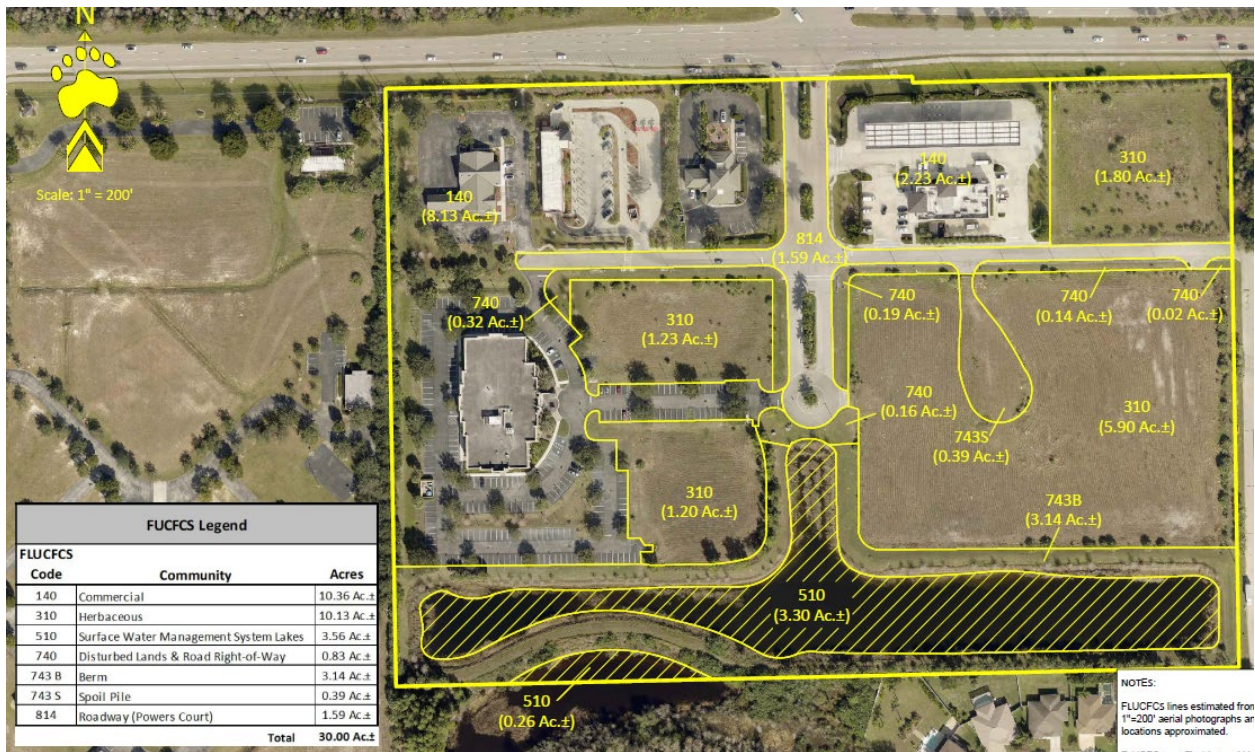


Figure 10: FLUCFCS Map

The environmental analysis that is provided in the report prepared by BearPaws Environmental in support of this application includes a FLUCFCS map shown above as Figure 10, showing that no wetlands exist on the site. This is consistent with the activities that have taken place within the development previously described which include construction of roadways, a stormwater management system, commercial development, and compacting areas and/or placing fill on the vacant parcels.

As demonstrated by the figures above, the area designated with Wetlands FLU has been developed with roadways, stormwater management lake, commercial development, and have been filled to the extent that they characteristically cannot be considered wetlands. These facts, along with the attached environmental analysis provided by BearPaws Environmental taken together with the ERP, which states that no wetlands are present, provide consistent and appropriate data and justification to remove the Wetlands FLU designation, as there are clearly no wetlands present on site. As such, Lee Plan Goal 124 and the associated Objectives and Policies, which regulate development within wetlands, are not relevant to this application.

PROPOSED FUTURE LAND USE DESIGNATIONS

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre)

to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The surrounding area can definitively be considered as part of the urban core of Lee County, as evidenced by nearby uses such as multiple hotels, a Publix shopping center, service stations, office buildings, restaurants, banks, a car wash, various retail, and service commercial uses. The addition of residential dwelling units to the Daniels Falls CPD creates a mix of uses within the development that is more consistent with the goal of the Central Urban future land use category. The requested Central Urban Future Land Use designation is more representative of the land use characteristics of the surrounding area as it now currently exists and also provides for an appropriate transition of land use intensities between the adjacent General Interchange FLU and the Outlying Suburban FLU.

GOAL 11: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.

OBJECTIVE 11.2: MIXED USE OVERLAY. The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay. (Ord. No. 07-15, 17-13)

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

- 1. Located within the extended pedestrian shed of established transit routes; and,***
- 2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and***
- 3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,***
- 4. Availability of adequate public facilities and infrastructure; and***
- 5. Will not intrude into predominately single-family residential neighborhoods.***

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

POLICY 11.2.5: Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.

This request, the proposed location, and the applicant's plans for multifamily development are consistent with the County's mixed-use concept, as set forth in Lee Plan Goal 11, due to the opportunities for interconnection, and the introduction of multifamily residential infill development in proximity to shopping, employment, a major arterial roadway, and public transit. Locating multifamily development at this site, which is within walking distance of shopping, offices, restaurants, banks, and other service commercial, will allow for increased internal vehicle trip capture and provide the opportunity to eliminate many vehicle trips that would be generated by multifamily development located in other areas without the proximity to these employment opportunities and commercial uses. The site and request also meet the criteria provided in Objective 11.2 (and the associated policies) for appropriate locations for Mixed Use Overlays:

- The site is located directly on LeeTran Route 50, well within the ¼ mile pedestrian shed.
- The planned extension of Three Oaks Parkway will provide pedestrian and automobile connections that will not rely on access to Daniels Parkway.
- The site is advantageously located for pedestrian and non-motorized modes of transportation. Shared use paths exist on Daniels Parkway and Fiddlesticks Boulevard, an on-road bikeway exists on Daniels Parkway, and the Three Oaks Parkway extension will include a shared use path and on-road bikeway.
- The site is proximate to a public transit route, shopping, employment centers, and recreational opportunities such as golf courses, and hiking at the Six Mile Cypress Slough Preserve.
- The applicant is requesting the Central Urban future land use designation, which is listed as an appropriate category for the Mixed Use Overlay.
- As demonstrated in the attached public services impacts report, there are adequate public facilities and existing infrastructure in place to serve the development that will result from this request.
- No existing single-family residences will be impacted, and the site is not adjacent to any vacant land designated for single-family residential use.
- The site is already configured to provide for connection between existing and proposed development within the proposed Overlay area as well as adjacent shopping.

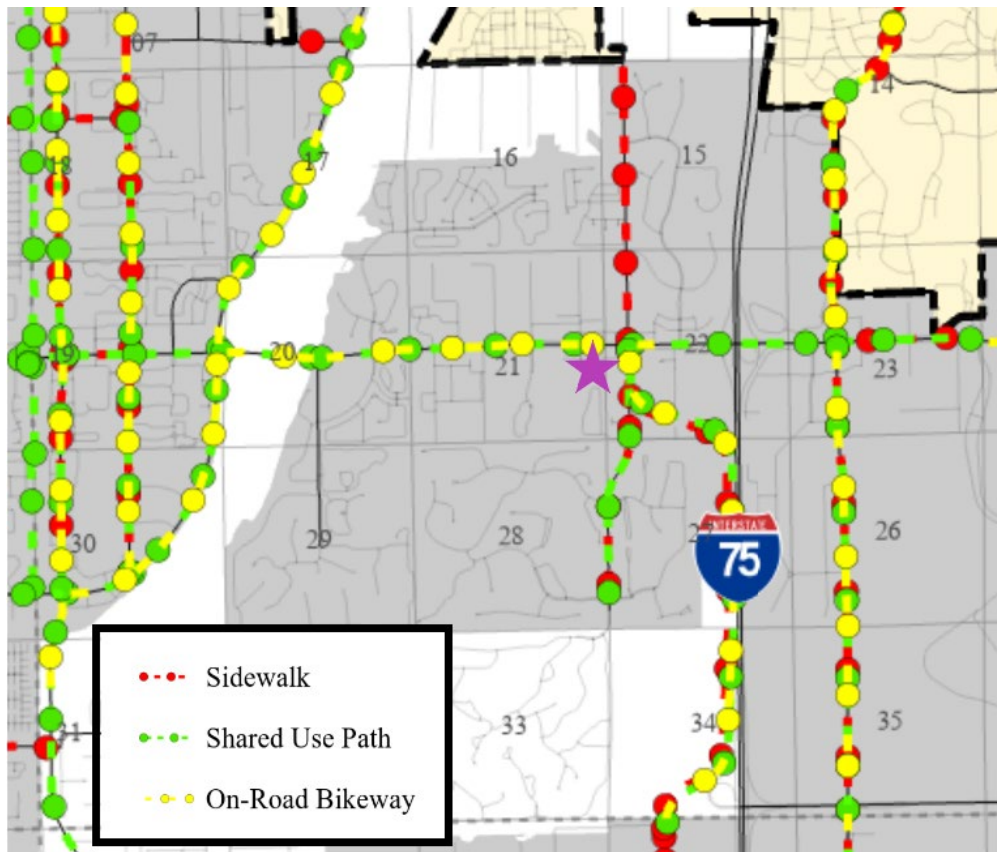


Figure 11: Subject Property located on LeePlan Map 3-D

POLICY 11.2.7: Development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations.

The Applicant is proposing to include the Daniels Falls CPD within the Mixed Use Overlay, retain the existing commercial entitlement, and allow for multifamily residential development. The subdivision is currently zoned as a CPD and the Central Urban Future Land Use designation will allow for an amendment to the CPD to add multifamily residential to the planned development. The Central Urban future land use category permits a maximum standard density of 10 dwelling units per acre and the Mixed Use Overlay permits allowable density to be calculated using the entire area of the Overlay area. Developed at the maximum standard density, this 29.03-acre property could potentially be developed with 290 dwelling units. Demands on public facilities were estimated based on the maximum potential residential development in conjunction with the existing 196,000 square feet of commercial entitlement, which is also supported by the Central Urban category.

HOUSING NEEDS

In addition to recategorizing the future land use of the subject property to a more appropriate category, this request also serves to further the applicant's goal of developing multifamily residential on the subject property. Achievement of that goal is also consistent with the goals, objectives and policies of the Lee Plan, specifically furthering Goal 5, Goal 135, Objective 135.1, and Policy 135.19, and fulfills a need for housing in the community, a need which is recognized by available housing data.

GOAL 5: RESIDENTIAL LAND USES. *To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.*

GOAL 135: MEETING HOUSING NEEDS. *To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County.*

OBJECTIVE 135.1: HOUSING AVAILABILITY. *To ensure the types, costs, and locations of housing are provided to meet the needs of the County's population by working with private and public housing providers.*

POLICY 135.1.9: *The County will ensure a mix of residential types and designs on a Countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.*

A household is determined to be cost-burdened when it spends more than 30% of its income toward housing expenses. As a more extreme measure, a household is said to be severely cost-burdened when it spends at least 50% of its income toward housing expenses. Data provided by the Shimberg Center for Affordable Housing at the University of Florida estimates that in 2020, 32% of all Lee County households were spending greater than 30% of their household income on housing costs and that 15% of all Lee County households were spending greater than 50% of their income on housing costs. Since 2020, housing costs and inflation rates have risen, and it is reasonable to expect that the estimated percentage of cost burdened households has likely risen as well.

Shimberg also provides estimates of housing unit types. The most recent data from Shimberg shows that single-family detached dwelling units are the predominant unit type in Lee County at 55% of the total. The category of multifamily dwelling unit type (20 or more units attached) planned to be offered by the applicant at this location, is estimated to make up only 11% of the total housing stock in Lee County.

Prior to the Hurricane Ian storm event, Lee County and the Southwest Florida region were experiencing a housing shortage. The housing shortage has only been compounded by the fact that tens of thousands of dwelling units have recently been removed from the housing stock due to inhabatability as a result of damage from the storm event. Lack of housing unit inventory is a significant contributor to property value increases. Mr. Shelton Weeks, PHD, Lucas Professor of Real Estate at Florida Gulf Coast University, presented at the January 11th, 2022, Real Estate Investment Society luncheon, indicating that there is a shortage of housing throughout SW Florida and that if the shortage is not addressed it will prevent Lee County from diversifying the economy. The Applicant's requested map amendment and the Applicant's goal of providing multifamily housing will serve the needs of the community and the region.

The applicant is ultimately seeking approval for a multifamily residential development containing 200+ units in a location which is outside of the Coastal High Hazard Area (CHHA) that experienced comparatively less damage than areas of the County within the CHHA. Approval of this request will further that goal of bringing a housing product to Lee County which is in short supply which is generally offered at a lower cost than the predominant Lee County housing type of single-family detached. As the subject property is

proximate to major employment centers such as the international airport, medical facilities, and industrial operations, this housing product is in high demand at this location and will provide a benefit to the community and to the county as a whole.

ADEQUACY OF EXISTING SERVICES AND UTILITIES

GOAL 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources

The application materials supporting this request include copies of the Letters of Availability for the various public services available in this area of Lee County. Currently, Lee County Emergency Medical Services, South Trail Fire Protection & Rescue Service District, and the Lee County Sheriff's Office all have confirmed that the project has complete emergency service availability. In addition to emergency services, Lee County Utilities, LeeTran, and Lee County Solid Waste have all confirmed their ability to accommodate the capacity demands of the proposed project. The submitted application demonstrates that services are available consistent with Goal 4 of the Lee Plan.

STANDARD 4.1.1: WATER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).

A Lee County Utilities Letter of Availability letter was received for the subject project and highlighted an adequate capacity to support the maximum water demanded by the project in the future. Potable water services are provided through the Corkscrew Water Treatment Plant. Currently, 102,500 gallons of water per day are necessary to support the potential maximum 290 dwelling units and 196,000 sf of commercial space, which is already entitled. The project will be directly connected to the local water system, which is in direct compliance with Policy 4.1.1 of the Lee Plan.

STANDARD 4.1.2: SEWER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

The subject property is within the service area limits for the City of Fort Myers South Water Reclamation Facility. The property is able to utilize this plant via an inter-local agreement between Lee County and the City of Fort Myers. The maximum potential density of 290 multifamily residential dwelling units and 196,000 sf of commercial space will generate an estimated 88,000 gallons of sewage per day. A letter of service availability was issued by Lee County Utilities highlighting adequate capacity to serve the Daniels Falls Encore MFR and accommodate the estimated demand. The project is in direct compliance with Standard 4.1.2 of the Lee Plan which requires a project of this scale to connect to the sanitary sewer system.

POLICY 39.1.3: Through the plan amendment and zoning process, the County will direct high-intensity land uses to land proximate to existing and future transit corridors identified on the Transportation Map Series, MPO Long Range Transportation Plan, and TDP.

TRANSPORTATION

The traffic circulation analysis that was provided by TR Transportation Consultants, as part of this application, finds that the Applicant's requested map change, which will allow for multifamily residential development in place of commercial development, represents a substantial reduction in potential trip generation. The implications for this potential reduction are positive, as Daniels Parkway is designated as a constrained roadway. Additionally, the location of the subject property with access to Daniels Parkway and to the planned extension of Three Oaks Parkway is consistent with Lee Plan Transportation Policy 39.1.3.

POLICY 39.2.1: Future urban areas will have a balanced emphasis on automobile, freight, transit, pedestrian, and bicycle modes of transportation by:

- ***Promoting safe and convenient street, bicycle and pedestrian facility connectivity for easy access between modes.***
- ***Utilizing short block lengths within urban Mixed Use Overlay areas.***
- ***Providing transit service with an emphasis on urban Mixed Use Overlay areas.***
- ***Incentivizing infill and redevelopment, mixed uses, pedestrian friendly design, and higher density in areas served by transit.***
- ***Providing sidewalks along all roads and streets in urban areas, except where prohibited.***

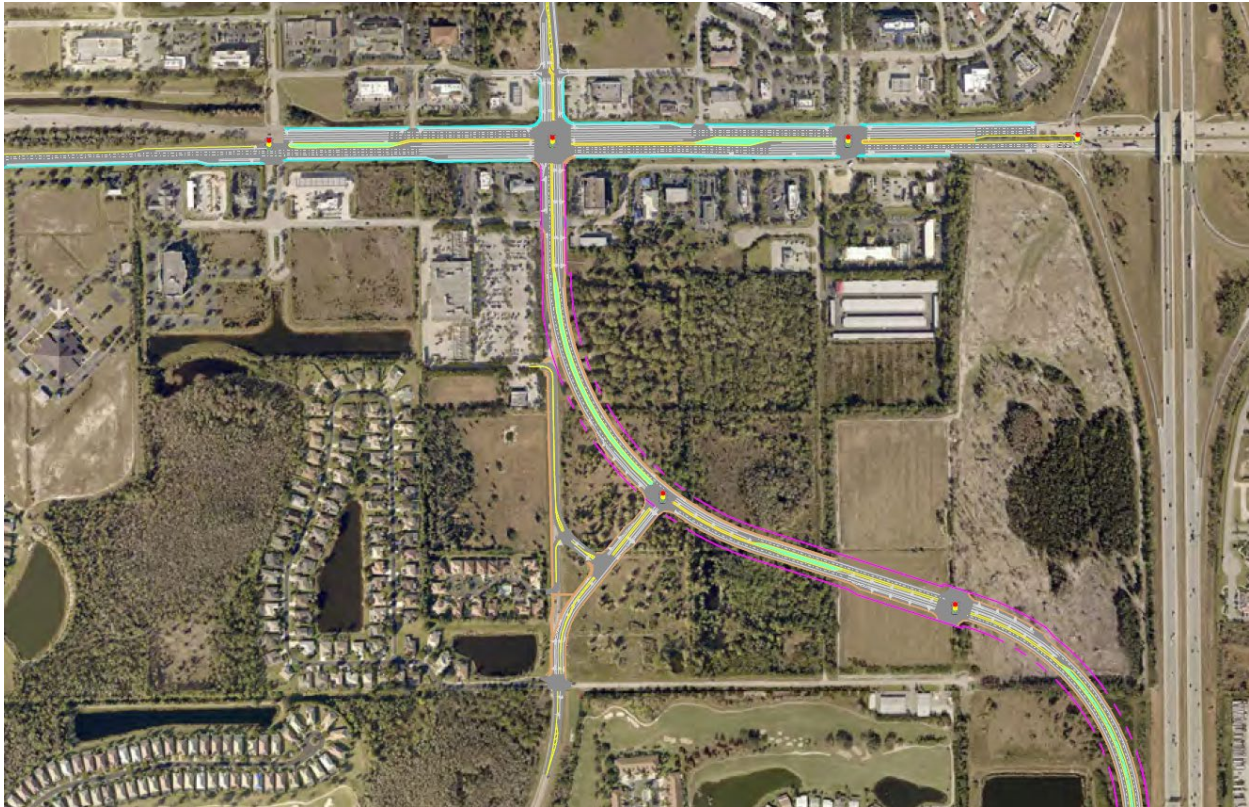


Figure 12: Proposed Extension of Three Oaks Parkway and Widening of Daniels Parkway

The location of the subject property on Daniels Parkway provides immediate access to this major arterial less than one mile from I-75, which will limit impacts to local roadways. Another major transportation related consideration for this project is the planned extension of Three Oaks Parkway, which will be accessible from the Powers Court subdivision by way of Cody Lee Road to Fiddlesticks Blvd. This proposed linkage will reduce vehicle trips on Daniels Parkway by providing another option for connectivity to areas south of the subject property. These factors, combined with the features of the surrounding area, which is already significantly developed with service commercial, employment opportunities, and sidewalks demonstrates consistency with the Goals, Objectives, and Policies of the Lee Plan Transportation Element, and very specifically, Policy 39.2.1.

SURFACE WATER MANAGEMENT AND WATERSHED

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. *To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.*

OBJECTIVE 60.3: CRITICAL AREAS. *The Six Mile Cypress Basin (as defined in the LDC, Chapter 10) and the DR/GR land use category are both identified as “critical areas for surface water management.” The County will maintain existing regulations to protect the unique environmental and water resource values of these areas.*

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater.

POLICY 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

The Daniels Falls CPD has an existing surface water management plan that includes both wet and dry detention. The plan was designed utilizing the control elevation at the connection location, identified as EL 17.6 NGVD. Adjusted to NAVD, this is EL 16.4 ft. The design provides 4.87 ac-ft of water treatment volume, which was designed based on the storage between the pre-treatment bottom and the elevation between the notch atop the control structure. The existing design can accommodate an excess storage volume of 50%. The excess treated surface water eventually discharges to the Six Mile Cypress Slough. The approved design provides an innovative and sound method of surface water management that protects proximate receiving waters. This application for a FLUM amendment does not propose any modifications to the basic design or operation of the existing water management system and it is not practical or possible to restore/change any flow ways within this existing subdivision which already contains commercial development and roadways.

POLICY 61.3.6: Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.

The project site has existing implementations that result in very adequate drainage. The property is shown in SFWMD ERP No. 36-01634-S. The permit shows that water drains directly to the south through a culvert installed between the berm and Fiddlesticks Preserve/Cypress Glen Preserve. The permitted outfall is through a conservation area located at the southwest corner of the subject property. The drainage flow is designed to reflect the natural surface water flow rate, direction, quality, hydroperiod, and the Ten Mile Canal Basin.

10-321(f)

Six Mile Cypress Watershed—Drainage and surface water management.

- 1. The outfall discharge rate for the three-day 25-year storm event for all large projects within the Six Mile Cypress Watershed must be 37 cms or less as specified in the Six Mile Cypress Watershed Plan.***
- 2. All development in the Six Mile Cypress Watershed Basin must be consistent with the findings and conclusions in the Six Mile Cypress Watershed Plan. However, the County will consider alternate proposals offering design standard flexibility in the conservation, restoration and enhancement of tributaries and flow-ways within the basin. In any***

event, the plan will not be interpreted to require a developer to mitigate impacts not created by the proposed development.

The allowable discharge rate for the subject property is calculated based on the allowable rate of discharge for the 25 year-72-hour event of 64.0 CSM for the Ten Mile Canal Basin. The maximum discharge rate for the 25 year-72-hour event for the subject project surface water management basin is 1.63 CFS. All impacts created by the proposed additional density have already been addressed within the existing surface water management plan.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

The existing surface water management plan identifies a capacity to accommodate a treatment volume of 4.87 ac-ft, which includes an additional 50% storage capacity of the required volume. The surface water management plan was created with the maximum development potential of the subject property in mind, and therefore provides sufficient measures that uphold the surface and groundwater quality, even considering the additional proposed density.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

The subject property has existing artificial drainage systems that provide for wet and dry detention. Additionally, vegetated swale systems exist to minimize nutrient loading and pollution of freshwater and estuarine systems. These systems improve water quality by catching sediment and assimilating nutrients, in addition to recharging the underground water table. These implements were designed and originally approved via ERP 36-05329-P.

IMPACTS ON HISTORIC RESOURCES

OBJECTIVE 2.5: HISTORIC RESOURCES. Historic resources will be identified and protected pursuant to the Historic Preservation Element and the County's Historic Preservation Ordinance.

A Master Site File Request was completed for this site and concluded that there are no current or former historical resources found on the subject project site.