



## Board of County Commissioners

Kevin Ruane  
District One

December 21, 2022

Cecil L. Pendergrass  
District Two

Daniel DeLisi, AICP

Ray Sandelli  
District Three

Delisi, Inc

Via E-mail Only: [dan@delisi-inc.com](mailto:dan@delisi-inc.com)

Brian Hamman  
District Four

**RE: CPA2022-00014 and CPA2022-00015**

Mike Greenwell  
District Five

**The Preserve Sporting Club and Residence Map and Text Amendments**

Roger Desjarlais  
County Manager

Dear Mr. Delisi:

Richard Wm. Wesch  
County Attorney

Staff has reviewed the application submittal for the map amendment CPA2022-00014 and CPA2022-00015, received on November 4, 2022. Planning staff finds that the application materials are insufficient and further information is needed.

Donna Marie Collins  
County Hearing  
Examiner

### **APPLICATION MATERIALS COMMENTS**

1. Please provide physical copies of mailing labels.
2. Please provide a list of property owners along with a graphic depicting properties owned by each owner.
3. Please clarify the maximum allowable development that would be allowable with the proposed amendments.
  - The application for the Map Amendment states that there may be up to 500 dwelling units, 20,000 square feet of commercial and 100 hotel units, but this does not seem to include 125,000 square feet of Clubhouse/Administrative area identified in the text amendments or the 225,000 square feet identified in the Transportation Analysis. Please clarify and correct any inconsistencies.
  - Please define what will be included in the 125,000 square feet of Clubhouse/Administrative areas.
  - The proposed text amendments include proposed Policy 13.2.5.1, which would allow for 20,000 square feet of commercial uses on PRFPD projects that are 1,000 acres or greater. However the use table within Policy 13.3.8 already allows for up to 100,000 square feet of commercial within a PRFPD, but does not include the project size limitation. Please clarify.
  - Staff is unclear of how to consider a 125,000 square foot clubhouse as an accessory use to the golf course. Please describe the uses intended for this facility and describe how this will not be considered a principally commercial use.
4. Please clarify and correct any inconsistencies within the application materials.
  - The description of the proposed Text Amendments provide that 250 dwelling units could be accommodated, whereas other places within the application state that 500 dwelling units is being requested.
  - There is an inconsistency between the density/intensity limitations table and Policy 13.2.5.1. Please clarify.
  - The density/intensity limitations table does not establish the maximum number of hotel/motel uses. Please revise.

5. Please provide an exhibit for the proposed text amendments to explain why each change is needed, analysis of impacts from each change, and justification for each proposed text amendment.
6. Please provide an updated Lee Plan analysis that:
  - Is inclusive of amendments made through Lee County Ordinance # 22-29. As an example, in the analysis of Policy 1.4.5 reference to the Future Limerock Mining Overlay is referenced, which has been removed from the Lee Plan.
  - At a minimum includes the following goals and any relative objectives and policies of the goal are included in the analysis: Goal 5: Residential Land Uses; Goal 13: Private Recreation Facilities in the DR/GR (additional analysis needed); Goal 33: Southeast Lee County; Goal 60: Coordinated Surface Water Management and Land Use Planning in a Watershed Basis; Goal 123: Resource Protection; Goal 124: Wetlands; Goal 125: Water Quality; and, Goal 126: Water Resources.
7. Please explain the rationale for exceeding the underlying density established by the Future Land Use Category. For example, in the EEPKO additional density is granted to offset the cost to a developer for helping Lee County achieve overall county goals of environmental restoration and enhancement as established in the Lee Plan for southeast Lee County.
8. At the initial meeting held with staff, a different level of development was presented, specifically the number of residential units that would be requested. Based on what was presented staff advised this this appeared to be similar to a Private Recreation Facility Planned Development (PRFPD) and suggested the applicant may want to consider text amendments to Goal 13 in order to achieve the desired outcome. However, the proposed request would allow up to 500 dwelling units using density calculations similar to those used within the EEPKO. Based on the changes to what is being proposed, please consider if using the PRFPD is the best approach for achieving the envisioned development.
9. Please note that LDC amendments may be needed to accommodate the uses proposed as part of this application in the PRFPD including LDC Section 34-941(c)(1) which prohibits residential uses in the PRFPD. An amendment to the Land Development Code will be required to implement a PRFPD that allows residential uses, hotels, and an updated development intensity table. Also note, language proposed to be revised is also within the LDC, for example, renumbered Policy 13.3.7 5. is also reflected in LDC Section 34-941(d)(2)b.iv.

#### **ENVIRONMENTAL COMMENTS**

10. Please provide a topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
11. Please provide a map delineating the property boundaries on the most recent Flood Insurance Rate Map.
12. Please provide an integrated surface and groundwater model to demonstrate compliance with Lee Plan policies 1.4.5, 13.4.1, 13.4.4, and 33.1.7.
13. Please provide the integrated surface and groundwater supporting model files for Staff to review.
14. Please provide the Surface Water Management/Drainage report referenced in the Groundwater Analysis. Staff could not locate the Surface Water Management/Drainage Report.
15. The Groundwater Analysis includes discussion of a proposed north-south drainage conveyance/restoration area, which is outlined in the Southern Lee County Flood Mitigation Plan. Is the project being designed to accommodate the proposed drainage capacity?
16. Please provide an analysis of Lee Plan policy 13.4.6.
17. Please expand on the reasoning behind the proposed change to Policy 13.1.1(1). CREW Trust does purchase land outright and has identified acquisition targets.
18. The proposed change to Policy 13.3.8(3) will allow irrigation pump and/or delivery areas closer than 500 feet from any existing or future residential use. Please expand on the reasoning behind the proposed change.
19. Please provide additional information to demonstrate consistency with Lee Plan policy 13.1.1(4). The subject property was largely an agricultural operation when the "Closing the Gaps in Florida Wildlife

Habitat Conservation System" was published in 1994. The Environmental Assessment documented many FLUCCS habitats that support species identified in the 1994 report. The Environmental Assessment indicates that no species were present in these FLUCCS habitats but no transects were completed to support this claim.

#### **PUBLIC FACILITIES COMMENTS**

20. Please provide correspondence provided to each service provider when requesting letters of availability.
21. Please provide letters of availability from Lee County Utilities for potable water and sanitary sewer, Lee County EMS, and Lee Tran.
22. The TIS states that "Also included in the development plan, but not part of this application is a restaurant (10,200 SF/314 seats – to include related retail facilities) that is allowed under the existing zoning on the parcel." Please clarify this statement. Staff is not aware of any commercial uses permitted on the subject property.
23. The application materials indicate that the proposed restaurant will be opened to public, therefore the trips must account for public trips as well. It is not acceptable that all trips are to and from the internal uses.
24. Please clarify if the uses of the rifle range, trap and skeet ranges, equestrian center, fishing ponds, hiking, biking, and all terrain trails are open to the public. If they are, they shall be included in the TIS analysis.
25. The mean percentage of the project traffic values at a road segment was used in this study. This is not acceptable, please correct (Table 10: Project Traffic Significance).
26. The AM/PM peak hour trip generation calculation for some land uses (e.g., Retail, Restaurant, and Hotel) appear incorrect. Please correct.

If you do not provide the requested supplements of corrections within 90 days of this letter, the applications will be considered withdrawn. Please note that staff may have additional questions based on any new information that is submitted. These cases will be reviewed concurrently. Once both cases are found to be sufficient they will be reviewed by staff and scheduled for hearing together. Please feel free to contact me at (239) 533-8585 if you have any questions.

Sincerely,

**Lee County Department of Community Development**



Brandon Dunn, Principal Planner, Planning Section

CC: Case File

