

Daniels Parkway South
Mixed Use Planned Development
Lee Plan Consistency
March 31, 2022

The Daniels Parkway South Property, in its entirety, is approximately ±1,233 acres, located near the intersection of SR 82 and Daniels Parkway. 1,148 acres are in the Southeast Lee County community planning area and 84.5 are in the Lehigh Acres community planning area. The Property is comprised of three different Future Land Use (FLU) Categories: Density Reduction/Groundwater Resource (DR/GR), Wetland, and Central Urban. The development patterns that can be promoted by each FLU Category are dramatically different. The Central Urban area, which is also within one of the mixed use overlays, can establish a clustered development pattern with higher densities and intensities served by central water and sewer. Only the Central Urban portion of the Property is within the Lee County Utilities Future Service Area. Conversely, the DR/GR area can only establish a large lot single-family development with well and septic. The pattern of development and use of well and septic conflict with the desire to maintain the quality and quantity of surface and groundwater as envisioned by Lee Plan Policy 1.4.5.

As a result of these dramatically different possibilities for the subject properties if developed independently, a concurrent map and text amendment are proposed with the requested Mixed Use Planned Development to establish a development strategy and design that promotes a comprehensive master plan with unified commercial and residential development enhancing the vision and goals of each community plan, promoting responsible development that could not be achieved under the existing Lee County requirements.

Proposed Future Land Use Map Amendment

As part of the requested amendments, the Future Land Use (FLU) Category of 149.2 acres along Daniels Parkway is proposed to be placed into the Sub-Outlying Suburban FLU.

POLICY 1.1.11: *The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally the infrastructure needed for high density development is not planned or in place. This future land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.*

The Sub-Outlying Suburban FLU portion of the site is within Southeast Lee County community planning area and located adjacent to Daniels Parkway and an existing internal north/south farm road that has been on-site since at least 1953. The internal farm road supports the existing active

agricultural activities on-site. As a result of this internal feature, the western portion of the Property is separated from the majority of the DR/GR future land use category. These improvements ensure that water does not freely flow to provide larger regional hydrological connections across the Property into the larger Southeast Lee Community Planning Area and the DR/GR and Wetlands future land use categories to the southeast. In recognition of the separation of the Property by these existing features and characteristics, the applicant is requesting 149.2 acres of the upland property be reallocated to the Sub-Outlying Suburban Future Land Use category as part of a companion map amendment application.

Proposed Text Amendment & Supporting Map Amendments

The remaining 999.3 acres of the subject Property is within the DR/GR and Wetlands FLU Category and Southeast Lee Planning Community. The DR/GR FLU Category limits residential development to 1 unit per 10 acres. The Wetlands FLU Category, which permeates throughout the DR/GR, limits residential development to 1 unit per 20 acres.

As part of an evolving regulatory strategy for the Southeast Lee Planning Community, an amendment to the Lee Plan was adopted in 2010 establishing Map 2-D and Objective 33.3 identifying existing residential areas and concentrated existing development rights on large tracts of land identified as Mixed Use Communities. Due to the subject Property's size and complex land use characteristics, joint map and text amendment applications are proposed to permit density to be calculated and utilized across the 4 future land use categories on-site with a companion planned development that includes the extension of water and sewer service and a minimum of 60% open space. This proposed text amendment is supported by multiple map amendments to the Southeast Lee Overlays Map, Lee County Utilities Service Area Map, and Private Recreation Facilities Overlay Map.

These proposed text amendments will occur at the same time as the amendment to the FLU Map. Together, these amendments will promote a cohesive development plan that enhances the intent and vision of both the Lehigh Acres and Southeast Lee community planning areas. The planned development is the opportunity to evaluate if the Property has met the required prerequisites and expected development conditions of the proposed text amendment.

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) future 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 development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels 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 must be submitted as part*

of the rezoning application and updated, if necessary as part of the mining development order application.

- 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 standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.*
- 3. Private Recreational Facilities may be permitted in accordance with the site location requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.*

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. The maximum density is one dwelling unit per twenty acres (1 du/20 acres) except as otherwise provided in Table 1(a) and Chapter XII.*

A formal determination of wetlands and other surface waters on-site was requested of the South Florida Water Management District (SFWMD) pursuant to Rule 62-330.201 Florida Administrative Code. A site visit and wetland limits were verified on January 14, 20 and 21, 2022 by the SFWMD and established 532.51 acres of wetlands. The SFWMD issued a jurisdictional determination in May of 2022. Using the unified state delineation methodology and the administrative process described in Objective 1.5, there are 532.51 acres of Wetlands on the Property. The requested amendments only redesignate the upland portions of the property from DR/GR to Sub-Outlying Suburban west of the internal farm road and associated with the Six Mile Cypress sub-basin watershed. The areas delineated as wetlands using the unified state delineation methodology will remain in the Wetlands future land use category. Lee Plan Policy 1.5.1 permits low-density residential and recreational uses within the Wetland Future Lane Use category. However, development may not negatively affect ecological functions and the maximum permitted density is one dwelling unit per 20 acres (1 DU/20 AC). The remaining 466.8 acres will continue to be designated Density Reduction/Groundwater Resource.

DENSITY CALCULATIONS

The 1,233 acre property is within 4 future land use categories. The proposed text amendment to 33.2.2 would permit the maximum residential density to be calculated from all of the FLU categories and distributed across the Property. It is acknowledged that the density within an individual FLU category may be slightly higher than the permitted density but the total maximum may not be exceeded. Additionally, impacted wetlands are calculated at 1 dwelling unit per 20 acres. The MPD requests 1,600 dwelling units and a maximum of 1,625.3 are permitted from the multiple future land use categories.

The Master Concept Plan as designed has limited wetland impacts across the property to approximately 24.33 acres. Therefore approximately 500 acres of wetlands (40% of the Property) are proposed to be preserved through the requested planned development.

Location	Future Land Use	Acreage	Density	Dwelling Units
Lehigh Acres	Central Urban	84.5	10 du/ac	845
West Side	Sub-Outlying Suburban	149.2	2 du/ac	298.4
	Wetlands Preserved	220.5	2 du/ac*	441
	Wetland Impacts	-10.30	1 du/20ac	-20.6
East Side	DR/GR	466.8	1 du/10 ac	46.68
	Wetlands Preserved	312	1 du/20 ac	15.6
	Wetland Impacts	-14.03	1 du/20 ac	-0.70
TOTAL UNITS				1,625.38

*Preserved wetlands are permitted to be calculated at the upland density.

Table 1. Density Calculations including Wetland Impacts



Figure 1. Wetland Impacts by Future Land Use

Growth Management

The proposed planned development promotes a contiguous and compact growth pattern consistent with the existing residential neighborhoods in the surrounding area, including Lehigh Acres, Timber Creek, and the Gateway DRI Communities as desired by Objective 2.1 and 2.2. Additionally, the proposed MCP demonstrates a contiguous development pattern across the Central Urban FLU within the Lehigh Acres community planning area and the remainder of the property within the Southeast Lee community planning area. The proposed commercial uses and

square footage meets the definition of Community Commercial in the Lee Plan and will provide needed commercial services and retail in an area that can be utilized by existing residents of the surrounding communities as well as future residents of the contiguous residential community consistent with Objectives 2.1 and 2.2.

GOAL 2: GROWTH MANAGEMENT. *To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.*

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code.*

The proposed development will promote a transition between the existing master planned communities to the west and the 2 to 5 acre residential lots to the east and undeveloped lands to the south. The requested overall residential density of 1.29 dwelling units per acre is less than the existing surrounding residential communities but is consistent with the development pattern that is compatible with the other properties within Urban FLU categories along Daniels Parkway as demonstrated by the MCP.

General Development Standards

The subject Property is within an area of existing urban services as demonstrated by the provided letters of availability, consistent with Standards 4.1.1 and 4.1.2 for potable water and sanitary sewer one of the concurrent map amendments will include the entire Property within the service area for Lee County Utilities to provide central water and sewer service to the proposed development. Reclaimed water is not currently available in the vicinity. Should reclaimed water become available, infrastructure can be extended consistent with Policy 57.1.5.

The Indigenous Preservation and Restoration Management Plan (IPRMP) provided by Passarella and Associates identifies that the predominant land cover on the Property is improved with low pasture areas which occupies 501.4 acres or 40.7% of the subject Property. Ditches, berms, and other disturbed lands are 94.29 acres or 7.6% of the Property. As a result of these impacts to the natural habitat onsite, the proposed MCP seeks to preserve and restore existing wetland and upland habitats, including Rare and Unique uplands, and eliminates the existing agricultural berms and ditches isolating the existing wetlands to restore flow patterns across the Property consistent with Standard 4.1.4.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS

- 1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.*
- 2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.*
- 3. Ensure development minimizes the need for expansion and construction of street and utility improvements.*

It is important to note that the proposed IPRMP **will not create** any wetland habitat due to the Property's proximity to the Southwest Florida International Airport (SWFIA) and concerns related to wildlife attraction. The 679.10 acres of preservation and restoration proposed includes approximately 295.8 acres of existing indigenous upland and wetland habitat, 383.3 acres of restored upland and wetland habitat, and 23.7 acres of backfilling and grading of existing berms and ditches to replant with native vegetation. Approximately 58.1 acres of mature pine flatwoods which is considered a Rare and Unique upland habitat type are proposed as indigenous upland preservation. The creation of additional wetlands cannot occur on the Property due to the proximity to the SWFIA and concerns regarding wildlife attractants. The proposed restoration is predicated upon like-for-like habitat restoration and plantings that are consistent with the Lee County Port Authority's (LCPA) Compatible Native Landscape List. The onsite inspections conducted by Passarella and Associates have identified the types of wetland and upland habitat located onsite. As an examples, areas identified as melaleuca forest to be restored will be replanted with herbaceous vegetation. This will ensure that the restoration activities maintain the overall acreage of wetland and upland habitat onsite but also promote the removal of exotic vegetation and establishment of indigenous plantings. This practice promotes compatibility with the SWFIA and consistency with the regulatory practices of LCPA. Specifics of the proposed restoration are provided in Section 5.0 of the IPRMP prepared by Passarella and Associates.

The IPRMP also demonstrates the existing 2 watershed basins onsite do not currently interconnect via wetland habitat types. As a result, the provided Drainage Report by Morris-Depew Associates and concurrent MCP, propose physical infrastructure improvements to the site to interconnect the two watershed basins during periods of high rainfall. While not a natural flowway, the proposed improvements take into account the unique conditions of the Property to achieve the overall objective of interconnecting wetlands and re-establishing historic flow patterns across the Property as compared to existing conditions consistent with the DR/GR FLU. Historically, under natural ground conditions, surface water would have had the ability to flow across the Property's land features, thereby connecting the 2 onsite watersheds during larger rainfall events. The man-made hydraulic improvement will implement this natural connection by providing the opportunity for surface water to flow across the basin divide during high runoff rainfall events. The control structure for the man-made hydraulic improvement is set at an elevation that is above the wet season water table ensuring wetland surface elevations do not decrease from existing conditions.

Mixed Use Development

The proposed Schedule of Uses demonstrates residential, commercial, and light industrial consistent with Policy 11.1.1. This Policy encourages all three uses within developments in the Central Urban FLU. The residential density of the Property will be calculated from the entire 1,233 acre project area consistent with the concurrent text amendment to Policy 33.2.2. Based on the concurrent proposed map and text amendment and wetland impacts the Property is eligible for a theoretical maximum of 1,646 dwelling units. However, the requested planned development limits the residential density to 1,600 units, consistent with Policies 11.1.1 and 11.1.2.

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be related to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

POLICY 11.1.2: Residential densities may be calculated from the entire project area when the development is consistent with the following:

- *At least three uses are proposed and must include residential, commercial (including office) and light industrial (including research and development use).*
- *The development is located in the Intensive Development, Central Urban or Urban Community future land use categories.*

The MCP and Schedule of Uses demonstrate that the Central Urban FLU portion of the Property will support residential, commercial, and light industrial uses. The remaining portion of the Property will support residential development. The proposed text amendment enables density to be calculated across the multiple FLU Categories on the Property to support the requested development. The MCP demonstrates the residential development is proposed in a clustered development pattern that preserves and restores onsite natural resources to provide 60% open space. As a result of the proposed uses the development of the subject Property will also be consistent with Goal 5 Residential and Goal 6 Commercial land uses.

The resulting development will be located in an area with supporting urban services, access to two arterial roadways and provide variety in the type of housing as well as commercial and light industrial uses consistent with Goal 5 Residential and Goal 6 Commercial. The requested 1,600 dwelling units and 350,000 square feet of commercial meet the threshold requirements for the Development of County Impact and require the requested planned development rezoning consistent with Policies 5.1.1 and 6.1.3.

In consideration of the Property's location near the SWFIA, the MCP demonstrates the proposed development has been clustered away from the airport property in consideration of Policy 5.1.2.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soils or geologic conditions; environmental limitation; aircraft noise; or other characteristics that may endanger the residential community.

The MCP identifies the various land use restrictions related to the SWFIA. These restrictions have been taken into account with the Schedule of Deviations, Property Development Regulations, Schedule of Uses, as well as the layout of the development footprint. Of particular note are the Airport Noise Zones and 10,000 foot Wildlife Buffer. Since the initial submittal of the planned development, the proposed area for residential development has been significantly reduced, no residential lots occur in Noise Zone B, and several deviations are requested to promote compatibility with the lake bank slope construction and littoral plantings due to the proximity of the airport. Consistent with the requirements of the Land Development Code (LDC) and with the Property's proximity to SWFIA, a disclosure will be conditioned as part of this zoning approval and provided on all plats and association documents. Finally, the Applicant has drafted and submitted Proposed Conditions as part of the planned development requiring landscape plans at the time of Development Order to reflect 100% native vegetation and compliance with the LCPA recommended planting list and outlining additional best management practices to be considered during construction to address site-related improvements and residential construction. Given the commitments the Applicant has made to continue to work with the LCPA, notice future property owners, and inform the County and LCPA of construction standards, the project is consistent with Policy 5.1.2.

Goal 5 requires sufficient land to be provided in appropriate locations on the FLU Map to accommodate the projected population of Lee County. The requested planned development allows a suburban level of density consistent with the existing surrounding residential developments as well as the provisions of Policy 5.1.1. Additionally, no residential development is proposed within an area which is deemed a hazard or physically constraining – the residences proposed are to be located outside of Airport Noise Zone B consistent with Policies 5.1.2 and 5.1.4. The MCP demonstrates the proposed locations for the residential density are clustered across the entire Property. However, the MCP demonstrates that multi-family residential units are proposed to be located immediately adjacent to the proposed commercial development area at the intersection of SR 82 and Daniels Parkway which is consistent with Policy 5.1.3.

POLICY 5.1.3: *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.*

POLICY 5.14.: *Prohibit residential development in all Industrial Development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker and security guard.*

The clustered development pattern promoted by the MCP also incorporates a centralized access point from Daniels Parkway consistent with the existing and planned communities of Timber Creek and Gateway. Existing native vegetation and landscape buffers will provide visual buffers from the adjacent rights-of-way into the proposed community further ensuring consistency with Policy 5.1.5.

POLICY 5.15.: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the*

buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development of special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new development.

The portion of the Property within the Central Urban FLU will support 350,000 square feet of commercial uses and a multi-family unit types. This portion of the Property is within the Lehigh Acres community planning area and is identified for intense community supporting commercial uses and has access to all urban services consistent with Policies 6.1.4 and 6.1.7. The surrounding area includes existing commercial zoning, within the Timber Creek MPD, as well as through conventional zoning districts located along the northern right-of-way of SR 82. Locating these proposed uses at the intersection of Daniels Parkway and SR 82 will promote internal capture for the future residences of the proposed development as well as walkable services to the existing and future residential use of the surrounding area including the communities of Gateway, Timber Creek, and Lehigh Acres. Providing commercial uses in a location east of I-75 within Lehigh Acres will reduce vehicular trips heading west past I-75 for goods and services consistent with Policy 6.1.5.

POLICY 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

POLICY 6.1.5: *The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lands; and, signalization and intersection improvements.*

POLICY 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

POLICY 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.*

The MCP is designed to take into account the landscape, open space and buffering required by LDC Chapter 10 as well as the Lehigh Acres community plan regulations outlined in LDC Chapter 33 consistent with Policy 6.1.6. Along the frontage of Daniels Parkway and SR 82 a 15 foot wide Type D Buffer is required and identified on the MCP. Where existing vegetation does not meet the requirements for the landscape buffer supplemental plantings will be required consistent with Policy 6.1.6. The proposed commercial uses will not open new areas to premature or strip

development, rather it will address a known demand for additional commercial within the Lehigh Acres community and will relieve pressure from smaller constrained parcels within the conventional commercial districts consistent with Policy 6.1.7.

Community Planning

The Property is within the community planning areas of Lehigh Acres and Southeast Lee County. A Lehigh Acres public meeting is required for the comprehensive plan amendments and Mixed Use Planned Development consistent with Policy 17.3.2. This meeting was held April 3, 2022, at the East Lee County Regional Library and advertised in the Lehigh Citizen newspaper 10 days beforehand. No members of the public attended the meeting. A meeting within the Southeast Lee community planning area is also required for the comprehensive plan amendments consistent with Policy 17.3.2. This meeting was held April 4, 2022 at Sunny Grove Landscaping and advertised in the News press 10 days beforehand. No members of the public attended the meeting.

POLICY 17.3.2: *One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revised a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.*

Lehigh Acres Community Plan

The Lehigh Acres Community Plan is outlined by Goal 25 in the Lee Plan establishing the future vision for the entire community of Lehigh Acres, including 84.5 acres of the Property as identified on Lee Plan Map 1-A. The proposed development within the Central Urban FLU is consistent with the future vision of Lehigh Acres and the Property's location within a Specialized Mixed Use Node. The Mixed Use Planned Development demonstrates the 350,000 square feet of commercial uses and multi-family residential product to be located within this area further fostering the development of a vibrant commercial area consistent with Goal 25.

GOAL 25: LEHIGH ACRES COMMUNITY PLAN. *Ensure that continued development and redevelopment converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi- family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed use activity centers and neighborhood nodes; and, adequate green space and recreational opportunities.*

OBJECTIVE 25.1: SPECIALIZED MIXED USE NODES. *To create mixed use nodes that contribute the uses needed to support the Lehigh Acres Community Plan area shown on Map 1, Page 7.*

POLICY 25.1.2: *New development and redevelopment are encouraged to integrate a mixture of at least two or more varied uses, such as retail, office, residential, or public. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c).*

POLICY 25.1.3: *In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density.*

POLICY 25.1.4: *Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas.*

POLICY 25.1.8: Establish comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property.

The Central Urban FLU and the Lehigh Acres portion of the Property also coincide with the Specialized Mixed Use node that has been designated for the Property. The MCP demonstrates a higher concentration of both density and intensity within the node consistent with Policies 25.1.2 and 25.1.3. The MCP also demonstrates shared features such as unified parking, stormwater management areas, and open space which is consistent with policies 25.1.4 and 25.1.8. The provision of unified stormwater management is also demonstrated by the provided Drainage Report prepared by Morris-Depew Associates. The Master Drainage Plan included in Appendix A of the Drainage Report demonstrates Lakes 1, 2, and 3 within the Lehigh Acres community planning area will be interconnected with the larger system in the Southeast Lee community planning area. The conclusions of the Drainage Report confirm that the proposed project “will attenuate the 25-year, 3-day rainfall event within the proposed onsite water management system and reduce peak runoff discharge rates from the project limits.” As a result of reducing the peak runoff rate, downstream properties will receive surface water flow at a slower rate reducing the potential of flood conditions and demonstrating consistency with the DR/GR FLU and the Lehigh Acres community planning area.

The Lehigh Acres Plan further breaks down the mixed use nodes into types. The 84.5 acres of the subject Property is within a Community Mixed Use Activity Center demonstrated on Lee Plan Map 2-B and outlined by Objective 25.3 and its supporting policies.

OBJECTIVE 25.3: COMMUNITY MIXED USE ACTIVITY CENTERS. *To provide the uses needed to support all of the Lehigh Acres Community Plan area including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses.*

POLICY 25.3.1: *Identify those areas within Lehigh Acres that have sufficient vacant or undeveloped land to accommodate the community-scale development that will balance the land uses and provide opportunities to diversify the economic base of the community.*

POLICY 25.3.2: *Future developments that provide employment opportunities mixed with facilities offering goods and services that support the wider community are encouraged.*

According to Table 1(c), currently there 3,997 acres available within a Mixed Use Overlay in the Central Urban Future Land Use. Over the entire Central Urban FLU, residential is expected to be 20 to 50% of development and non-residential is expected to be 50 to 80%. With the proposed Master Concept Plan a majority of the land area in the Central Urban FLU is allocated for non-residential development ensuring consistency with the desired 50 to 80% of Table 1(c).

The land area of the Property within the Activity Center will feature a mixture of commercial and light industrial uses which are identified by the Schedule of Uses and furthers the intent of Objective 25.3. Additionally, the subject area is only one of a handful of large properties in Lehigh Acres under unified ownership and, therefore, one of the few properties that can accommodate community-scale development that will diversify the community’s economic base consistent with Policies 25.3.1 and 25.3.2.

OBJECTIVE 25.8: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. *To improve transportation, parking, and circulation within the Lehigh Acres Community Plan area.*

POLICY 25.8.2: *All connections to SR 82 must be consistent with the Florida Department of Transportation Corridor Access Management Plan for SR 82.*

POLICY 25.8.7: *New single-family model homes are prohibited within 300 feet of arterial and collector roads.*

The requested planned development demonstrates consistency with the transportation policies of the Lehigh Acres community plan outlined by Objective 25.8 and its supporting policies. The MCP features a concentration of commercial uses at the intersection of SR 82 and Daniels Parkway significantly reducing the need for residents of the surrounding area to travel further west to meet their commercial needs. Connections to Daniels Parkway are consistent with the Corridor Access Management Plan consistent with Policy 25.8.2. The proposed MCP also demonstrates no single-family residential uses within the Lehigh community, ensuring consistency with Policy 25.8.7.

OBJECTIVE 25.9: SEWER AND WATER. *Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems.*

POLICY 25.9.2: *Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive urban services and infrastructure during the planning horizon.*

The 84 acres of the Property within Lehigh Acres is already within the Lee County Utilities Service Area for central water and sewer service consistent with Objective 25.9 and 25.9.2. The proposed map amendments include a request to extend this service area to the remainder of the Property to establish the entire future community on central water and sanitary sewer service.

POLICY 25.10.1: *Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided, whenever possible, within the Lehigh Acres Community Plan area. Development must also be consistent with Goal 77 and Objective 77.3.*

The portion of the Property within Lehigh Acres has been cleared and utilized for agricultural activities. The Protected Species Survey demonstrates the northern portion of the Property is disturbed lands, ditches, berms, and cow pond. Therefore, there are no onsite indigenous plant communities or listed species habitat onsite within the Lehigh Acres community planning area to preserve. However, there are indigenous plant communities and listed species habitat within the Southeast Lee community planning area, of which 55% is proposed to be preserved and restored. The restoration activities proposed will promote flow of surface water while also addressing historical impacts associated with decades of historical agricultural ditching and draining. In addition to these preservation and restoration areas, the MCP also commits to providing an additional 10% open space at the time of local development order within the Lehigh Acres community planning area, ensuring consistency with Goal 77 and Objective 77.3.

Southeast Lee County Community Planning Area

The remaining 1,148 acres of the subject Property are within the Southeast Lee County community planning area as identified on Lee Plan Map 1-A and described in Goal 33. A text amendment is proposed to support the calculation and utilization of density across the entire Property.

GOAL 33: SOUTHEAST LEE COUNTY. *Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment.*

OBJECTIVE 33.1: WATER, HABITAT, AND OTHER NATURAL RESOURCES. *Protect and restore natural resources within Southeast Lee County including, but not limited to, surface and groundwater, wetlands, and wildlife habitat.*

POLICY 33.1.1: *Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture.*

The requested amendments seek to establish a cohesive development plan for the entire Property that enhances the intent and vision of both the Lehigh Acres and Southeast Lee community plans. The text amendment to Policy 33.2.2 of the Lee Plan is being proposed to allow for calculation of density across the entire property due to the 1,148 acres within Southeast Lee being adjacent to a Lehigh Acres Mixed Use Community as identified on Map 2-D. Additionally, Maps 4-A and 4-B are proposed to be amended to include the Property within the Lee County Utilities Service Area to provide central water and sewer service. A total of 1,600 dwelling units are requested while the Property can have a theoretical maximum of 1,646 acres with the 4 Future Land Use categories. The proposed policy includes a 60% open space requirement; which will promote the private preservation of native habitat and restoration of historic flow patterns consistent with the Southeast Lee County community planning area and as described with Goal 33, Objective 33.1 and Policy 33.1.1.

POLICY 33.1.4: *Restoration of critical lands in Southeast Lee County is a long-term program that will progress in phases based on available funding, land ownership, and natural resource priority. On individual sites, restoration can be carried out in stages:*

- 1. Initial restoration efforts would include techniques such as filling agricultural ditches and/or established control structures to restore the historic water levels as much as possible without adversely impacting nearby properties.*
- 2. Future restoration efforts would include the eradication of invasive exotic vegetation and the reestablishment of appropriate native ecosystems based upon the restored hydrology.*

The Property is not located within the DR/GR Priority Restoration Overlay, however, it is the northernmost location of the Southeast Lee County community planning area. The proposed text

amendment includes requirements for the planned development to provide 60% of the Property as open space. Through the requested planned development, a minimum of 55% of the open space will be preserve, provided through the preservation and restoration of private property that includes the regrading of agricultural ditches and berms, removal of exotic vegetation, interconnection of onsite wetlands across watershed basins, and improvement of groundwater recharge on the subject Property consistent with Policy 33.1.4. An IPRMP has been provided by Passarella and Associates outlining the specific activities to occur and the acreage to be restored. As demonstrated by the Florida Land Use, Cover and Forms Classification System (FLUCCS) included in the IPRMP there are no indigenous habitat or wetland connections across the internal farm road that identifies the watershed basin divide onsite. Due to the Property's proximity to the SWFIA the creation of wetland habitat cannot occur to provide a wetland interconnection. As a result, the provided Drainage Report and MCP prepared by Morris-Depew Associates, propose a physical infrastructure improvement to interconnect the two watershed basins during periods of high rainfall. When combined with the proposed grading and filling of the existing agricultural berms onsite (outlined in the IPRMP) these activities will maintain existing water levels and eliminate exotic vegetation while achieving the objective of interconnecting wetlands, re-establishing historic flow patterns, and improving water flow offsite consistent with Policy 33.1.4.

POLICY 33.1.7: Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.

The Applicant acknowledges this policy. A report entitled Characterization of Ground and Surface Water Resources provided by Progressive Water Resources provides an initial overview of the surface and ground water resources in the general area. A Drainage Report prepared by Morris-Depew Associates with Appendix L, an Integrated Model Analysis prepared by Progressive Water Resources, provides a detailed analysis of the surface and groundwater conditions of the existing and proposed development demonstrating no adverse impacts on water resources and natural systems. The provided Drainage Report and MCP by Morris-Depew Associates propose physical infrastructure improvements to the site to interconnect the two watershed basins during periods of high rainfall.

The proposed master drainage plan, as outlined by the Drainage Report, interconnects the proposed surface water management lakes which have a total surface area of 117 acres. The lakes within the SWFIA 10,000 foot hazardous wildlife buffer are proposed to have hardened 4:1 shorelines in order to minimize wildlife attractants. These lakes will be interconnected with lakes outside the 10,000 foot hazardous wildlife buffer to provide water quality treatment. The lake elevations within the stormwater management system are designed to match or exceed the existing wet season water elevations (WSWE). As outlined by the Integrated Model Analysis prepared by Progressive Water Resources, the proposed site design demonstrates a beneficial increase in recharge to the underlying Water Table Aquifer, as compared to existing conditions. The additional stormwater management will enhance water resources by providing a net benefit to groundwater recharge consistent with the DR/GR FLU and Policy 33.1.7.

In addition to the developments surface water management system, a 24 inch piped connection is proposed to restore the historic interaction between the 2 onsite watershed basins. This buried connection is specifically designed to eliminate wildlife attractants. On the west side of the Property (Six Mile Cypress Watershed), a water control structure, i.e., weir, will be constructed on the upstream side of the 24 inch buried pipe in order to selectively convey stormwater towards the Estero River Watershed during high rainfall events. High rainfall events, for purposes of this application, are defined as those in excess of a 10-year, 1-day storm. The Drainage Report prepared by Morris-Depew Associates includes multiple scenarios to demonstrate the existing and proposed conditions expected. Specifically, 4 design storms are provided:

- 2.33-year, 1-day;
- 10-year, 1 day;
- 25-year, 3-day; and
- 100-year, 3-day.

These design storms demonstrate the man-made hydraulic connection proposed to interconnect the existing 2 onsite watershed basis will only occur during high rainfall events. A control structure weir is proposed and is set at an elevation above the Wet Season Water Table (WSWT) to ensure drawdown does not occur in nearby wetland habitat and prevent surface water discharging to the west (Six Mile Cypress basin) during low rainfall events. Note that the water elevation of the Six Mile Cypress Basin is slightly higher than the Estero Basin, again ensuring the flow of surface water only occurs during high rainfall events.

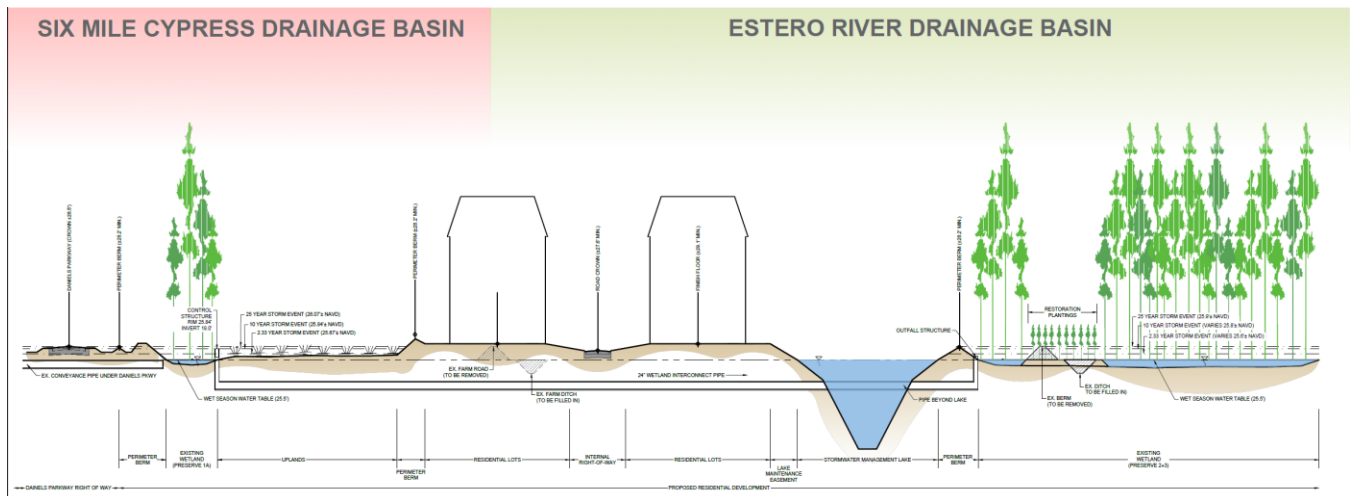


Figure 1. Typical Cross-Section for Man-man Hydraulic Connection

The proposed design accomplishes several important objectives:

- Sets the control structure weir at an elevation that ensures that surrounding wetland areas do not experience adverse drawdown;
- Addresses varying wet season elevations within the onsite wetlands;
- Prevents surface water from discharging into the Six Mile Cypress during low rainfall events;

- Connects the watersheds during high rainfall events to interconnect the onsite wetlands and re-establish historic flow patterns across the Property; and
- Controls the flow of surface water across the Property to ensure that no adverse impacts to adjacent properties occur.

While not a natural flowway, the proposed improvements take into account the unique conditions of the Property necessary to achieve the overall objective of interconnecting wetlands, re-establishing historic flow patterns, while ensuring that no adverse impacts to adjacent properties will occur, as compared to existing conditions consistent with the DR/GR FLU and Policy 33.1.7.

POLICY 33.2.1: Existing acreage subdivisions are shown on Map 2-D. These subdivisions should be protected from adverse external impacts.

The Enhanced Lake Management Plan prepared by Progressive Water Resources demonstrates that the proposed development will position the proposed Sandstone Aquifer irrigation wells to prevent adverse impacts to the existing residential wells to the north. A Sandstone Aquifer monitoring well has been installed across Daniels Parkway on the Timber Creek property and the applicant has agreed to a second monitoring well on the Daniels South Property. Groundwater level readings will be taken from each well. When combined with the existing USGS Sandstone Monitoring well L-729, Lee County will have significant data to monitor groundwater levels and ensure the proposed development has no negative or adverse impacts to the existing subdivisions relying upon wells.

The existing monitoring of the Sandstone Aquifer at Timber Creek demonstrating groundwater elevation levels are increasing with the onset of the rainy season. Therefore, while Sandstone Aquifer groundwater levels in certain areas of Lee County have been impacted due to over-extraction, the area in which the subject Property is located appears to have significantly better water resource conditions.

It is important to also note that the nearest irrigation well is approximately 3,000 feet (0.6 miles) from Lehigh Acres. Additionally, the irrigation system is proposed to combine the use of surface and groundwater sources to reduce overall reliance on groundwater supplies, consistent with Policy 33.2.1. As a result of this design, the overall use of groundwater is anticipated to be greatly reduced, and at times intermittent to nonexistent, since the primary source of irrigation supplies is stormwater. The irrigation demands used in a groundwater modeling analysis performed by Progressive Water Resources (PWR) were based on a 1-in-10 drought frequency, i.e., drought conditions and assumes zero surface water quantities being derived from the project's stormwater wet detention lakes, a condition considered virtually impossible since it is predicated upon the wet detention lakes being completely empty for a duration of 90 days; these assumptions are considered highly conservative. Despite these conservative assumptions, the modeling indicates that the maximum month (dry season) drawdown from the operation of the irrigation running continuously for 90-days, with no recharge, is less than 1 foot at the project's eastern property boundary. As a result, there are no adverse impacts anticipated to occur to nearby existing legal users.

It is expected that a Water Use Permit (WUP) will be requested from the South Florida Water Management District (SFWMD) meeting the criteria of Chapter 373.223(1) Florida Statutes. This section of Statute establishes that WUP applicants must demonstrate any requested use of water is reasonable and beneficial and will not interfere with any existing legal use of water and is consistent with the public interest. Therefore, adverse interference to existing Sandstone Aquifer users will not be authorized.

[NOTE: Below, in Policy 33.2.2, the underlined text represents proposed additions, and ~~cross-hatched~~ text represents proposed deletions.]

POLICY 33.2.2: *Map 2-D identifies future locations for Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts ~~into~~ Traditional Neighborhood Developments. The preferred pattern for residential development is to cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas.*

- 1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Residential density is calculated from the upland and wetland acreage of the entire contiguous Southeast Lee County property. Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUs from TDR sending areas within Southeast Lee County as provided in Objective 33.3.*
 - a. The maximum gross density is 5 dwelling units per acre of total land designated as a Mixed Use Community when TDUs are used.*
 - b. Properties that concentrate development rights and/or use TDUs created from Southeast Lee County within the Mixed-Use Communities identified on Map 2-D will be allowed to develop using permitted uses and the property development regulations for the C-2A zoning district.*
 - c. Contiguous property under the same ownership may be developed as part of a Mixed-Use Community provided it does not extend more than 400 feet beyond the perimeter of the Mixed Use Community as designated on Map 2-D.*
 - d. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County.*
- 2. Contiguous property adjacent to the Mixed-Use Community located within the Lehigh Acres Community Plan Area will be allowed to sum allowable dwelling units of the entire property. The resulting allowable dwelling units may be allocated across the entire project regardless of the underlying future land use category, provided:*
 - a. the project is developed as a Planned Development, and*
 - b. the project maintains a minimum of 60 percent open space.*
- 3. Central water and wastewater services are required to develop a Mixed-Use Community.*
- ~~4. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County~~*

The proposed text amendment addresses the Property's location within the Lehigh Acres and Southeast Lee community planning areas and allows the calculation and utilization of density across the entire Property. Consistent with the proposed amendment to Policy 33.2.2, the planned development calculates density across the entire Property, requires connection to central water and sewer and provides 60% open space. The MCP demonstrates the required connection to central water and sewer and the provision of the 60% open space through habitat preservation and restoration and proposed flow paths are promoted through a clustered development pattern that utilizes the existing locations of agricultural activity to the maximum extent possible.

To demonstrate how the planned development will achieve these objectives, the following reports have been prepared and are submitted with this application.

- Indigenous Preservation and Restoration Management Plan (IPRMP);
- Protected Species Survey;
- Protected Species Management Plan & Human Wildlife Coexistence Plan (PSMPHWCP);
- Drainage Report including Appendix L, an Integrated Model Analysis;
- Enhanced Lake Management Plan; and
- Characterization of Ground and Surface Water Resources.

Transportation

A full zoning transportation impact statement has been prepared by TR Transportation and is attached to the supporting documentation for this application.

OBJECTIVE 37.1: GENERAL STANDARDS. Monitor non-regulatory LOS standards outlined in Policy 95.1.3. on county and state transportation facilities within Lee County. Cooperate with municipalities on the facilities maintained by Lee County within the municipalities and with FDOT on state transportation facilities.

POLICY 37.1.1: Lee County will develop multi-modal service volumes (capacities) based on local Lee County conditions for determination of the LOS of transportation facilities.

The analysis provided by TR Transportation demonstrates that SR 82 and Daniels Parkway will not fall below the recommended minimum acceptable Level of Service thresholds and, therefore, is consistent with Objective 37.1 and Policy 37.1.1.

OBJECTIVE 39.2: TRANSPORTATION AND LAND USE PLANNING. Develop and maintain transportation planning tools and strategies to coordinate land use development with planned transportation facilities appropriate to future urban areas, future suburban areas, or future non-urban areas as defined. Include road designs and street modifications to accommodate significant truck traffic on freight corridors identified in the MPO Freight Mobility Study and for transit, bicycle and pedestrian facilities where indicated on the transportation map series and Map 4-E, Lee County Greenways Master Plan.

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 facilities connectivity for easy access between modes.

- *Utilizing short block lengths within urban Mixed Use Overlay areas.*
- *Providing transit service within 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.*

POLICY 39.2.3: *Future non-urban areas are planned primarily for motor vehicle transportation by:*

- *Limiting transit service and provision of separate pedestrian facilities in the Mixed Use Overlay areas unless otherwise stated in the LDC.*
- *Accommodating bicycle usage on bicycle lanes, paved shoulder or multi-use recreational trail facilities.*

The subject Property is within a Future Urban and a Future non-urban location at the intersection of two major arterial roadways in Lee County, Daniels Parkway, and State Road 82. The traffic analysis provided by TR Transportation demonstrates adequate capacity to serve the proposed development. Sidewalks are already provided along the SR 82 frontage and a sidewalk exists on the western side of Daniels Parkway already. A fee-in-lieu payment will be made consistent with LDC Chapter 10 along Daniels Parkway during construction of the residential development due to the limited width of the public right-of-way. The MCP demonstrates internal roadway cross sections consistent with LDC Chapter 10 with pedestrian facilities internal to the proposed development for connectivity across the 1,233 acre Property. The future proposed development will be consistent with Objective 39.2 and Policies 39.2.1 and 39.2.3.

POLICY 39.2.5: *Establish connection separation standards in the LDC based on functional classification and future urban, suburban, or non-urban area designation. Designate by Board action, certain roadways as “controlled access,” to which permanent access points are restricted to locations established and set by a specific access plan adopted by Board resolution.*

The subject Property fronts on SR 82 and Daniels Parkway (which are controlled access facilities). The MCP demonstrates access to the proposed subdivision is provided by Daniels Parkway in locations consistent with the Controlled Access Management Plans and Policy 39.2.5.

Airport Compatibility

OBJECTIVE 47.2: DEVELOPMENT COMPATIBILITY IN VICINITY OF AIRPORTS.

Evaluate development proposals for property located within the vicinity of existing or planned aviation facilities to ensure land use compatibility, to preclude hazards to aircraft operations, and to protect airport capacities and facilities.

POLICY 47.2.1: *Land use compatibility will be considered when reviewing development proposals within the vicinity of existing or planned aviation facilities.*

POLICY 47.2.3: *Utilize the currently adopted Airport Master Plans, rules of Chapter 333, F.S., and the Southwest Florida International Airport FAR Part 150 Study, including updates, as a basis to amend the Lee Plan and the Land Development Code to prohibit development that is incompatible with the Southwest Florida International Airport or*

Page Field Airport; and, to ensure future economic enhancement consistent with Objective 47.1.

POLICY 47.2.5: *The safety of aircraft operators, aircraft passengers, and persons on the ground will guide the Port Authority's airports operations. Hazardous wildlife attractants within 10,000 feet of a Port Authority airport's Air Operations Area (AOA) will be avoided by minimizing and correcting any wildlife hazards arising from wetlands or water bodies in accordance with FAA AC 150/5200-33B, or as otherwise amended. Site improvements on or near the Port Authority's airports must be designed to minimize attractiveness to wildlife of natural areas and man-made features such as detention/retention ponds, landscaping, and wetlands, which can provide wildlife with ideal locations for feeding, loafing, reproduction and escape.*

The Property is proximate to the SWFIA. As a result, the establishment of new habitat is not proposed. Existing onsite wetlands and uplands will be preserved as required, and restored in their current locations in ways that will minimize attractiveness to increased wildlife activity. The Schedule of Deviations includes requests to minimize opportunities for additional wading birds or other wildlife hazardous to airport activities to be attracted to the Property. Lake bank slopes are proposed to be hardened and associated deviations are requested. Wetland restoration is not increased within the 10,000 foot wildlife buffer and the IPRMP demonstrates a like-for-like restoration to maintain existing habitat types. Plantings within the buffer are proposed to be consistent with the Lee County Port Authority compatible plant list. Finally, hydrologic restoration of the onsite wetlands is not anticipated to increase wetland hydroperiods but will remove the existing berms and ditched to create an interconnected system.

Noise Zone B

The MCP demonstrates a design that takes into account the noise zones on the subject Property and does not propose residential uses in prohibited zones. A small portion of the Property is within Noise Zone B. The MCP demonstrates a proposed amenity and accessory stormwater management within this area. The requested Mixed Use Planned Development does not propose any or commercial development within Airport Noise Zone B. The proposed uses within Noise Zone B are permitted by 34-1104(a)(2). Many amenities and accessory activities, such as Pickle ball, mechanical equipment, landscape maintenance, etc., occur at noise levels higher than the 60 to 65 dB referenced by Noise Zone B¹. The purposeful placement of the amenity within Noise Zone B provides a transition from the SWFIA property and the proposed residential units at a noise level consistent with the mapped contour.

Land Use Considerations

Lee County's LDC includes land use restrictions related to the SWFIA and the proposed Mixed Use Planned Development is consistent with these restrictions. While Manufacturing is requested for the commercial development area adjacent to SR 82 and Daniels Parkway, the uses are limited to food and kindred spirits for malt beverages, bakery items, confectionary, drinks, etc. It is expected that these items would be manufactured indoors similar to other properties with these

¹ Noise Awareness. [Common Noise Levels - Noise Awareness Day](#). Accessed on May 30, 2022.

active uses onsite and, therefore, there would be no smoke, dust, vapor, glare, or other visual hazards consistent with LDC Section 34-1110(a)(3). This use as requested can be recommended for approval as part of this planned development. Additionally, wireless communication facilities and broadcast studios are not included in the Schedule of Uses for the proposed development.

As part of the permitting process, there are several additional permits that need to be secured after the planned development zoning. The Applicant has included Proposed Conditions that will support additional review of the proposed development by LCPA. Consistent with LDC Section 10-154(8) an exterior lighting plan must be provided with the local development order which is expected to be reviewed by LCPA ensuring consistency with sections 34-1110(a)(1) and (2). As part of the development order process, the Applicant will coordinate with LCPA to evaluate if a “Tall Structures Permit” will be necessary as a result of the proposed buildings and/or construction equipment.

Due to the unique nature of the proposed development several additional actions are proposed by the Applicant and included in the Proposed Conditions for implementation at the time of Development Order or other permitting timeframe:

- Bear Proof Trash Receptacles;
- Underground Grease Traps for Commercial Uses;
- Airport Wildlife Monitoring Plan (See IPRMP for details).
 - Must include Best Management Practices to reduce standing water and wildlife attractants onsite during construction activities.
 - Onsite walkthroughs with LCPA during construction to address wildlife concerns;
- Landscaping consistent with LCPA Native Landscape List;
- Prescribed burning is prohibited per the IPRMP; and
- Reduced lake bank slopes with hardened shorelines to reduce attractiveness to wildlife.

The Protected Species Management Plan (PSMP) & Human Wildlife Coexistence Plan (HWCP) have been updated to include protection measures. The Applicant is proposing to develop a wildlife monitoring program with the LCPA and the Department of Community Development (DCD) Staff prior to the commencement of construction. It is expected that this monitoring program will include periodic observations within the development footprint and preserve areas. Furthermore, specific Best Management Practices (BMPs) are outlined in the PSMP & HWCP identifying the activities expected to occur as part of the monitoring program. The Applicant has met with the LCPA several times to discuss and refine the proposed site plan. It is expected that this coordination will continue to implement the conditions mentioned above and also discuss construction practices to address noise and the proximity to the airport. Collectively, the proposed text amendment, site design and additional monitoring plans will demonstrate consistency with Objective 47.2 and Policies 47.2.1, 47.2.3 and 47.2.5.

Surface Water Management

The subject Property will have a centralized surface water management system that takes into account the existing natural features. Restoration of these features is proposed as part of the IPRMP

and Drainage Plan to promote interconnectivity and address the impacts of on-going agricultural activities onsite.

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.*

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.*

POLICY 60.1.3: *Examine steps necessary to restore principal flow-way systems to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems.*

The Property has been cleared and improved in support of agricultural activities since the late 1940s. The existing north/south agricultural road establishes a surface water divide on the subject Property and is recognized as a basin divide between the Six Mile Cypress Sub-Watershed and Estero River Sub-Watershed. The area east of the basin divide is hydrologically separated from lands to the west and is orphaned from the balance of the DR/GR. Natural flows from the west also appear constrained from Daniels Parkway as outlined in the Characterization of Ground and Surface Water Resources provided by Progressive Water Resources.

Lee County's Historic Flowways Map indicates historic flowway connections existing internal to the Property and, therefore, a hydrological connection between the subject Property and the balance of the DR/GR. The proposed text amendment requires a clustered development plan and the restoration of historic flow paths identified on the historic flowway map. However, the subject Property is in close proximity to the SWFIA and creation of additional wetland habitat cannot be accommodated due to the wildlife attractants that would be created. To interconnect the 2 watershed basins across the existing agricultural road as identified on the historic flowway map, an underground physical infrastructure improvement is proposed. As outlined by the Drainage Report prepared by Morris-Depew Associates, 24 inch buried piped connection is proposed to interconnect the 2 onsite watershed basins and associated wetlands. While not a natural flowway, the proposed improvements take into account the unique conditions of the Property to achieve the overall objective of interconnecting wetlands, re-establishing historic flow patterns across the Property, and ensuring no adverse impacts to adjacent properties will occur, as compared to existing conditions consistent with Objective 60.1 and Policies 60.1.1, 60.1.2 and 60.1.3.

OBJECTIVE 60.3: CRITICAL AREAS. *The Six Mile Cypress Basin (as defined in Chapter 10 of the Land Development Code) and the Density Reduction/Groundwater Resource 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.*

The Characterization of Ground and Surface Water Resources and Draft Enhanced Lake Management Plan prepared by Progressive Water Resources includes an outline of Water Quality Management Practices. A surface water quality monitoring program is proposed to ensure that surface water entering and exiting the proposed development meets all SFWMD ERP guidelines as well as all applicable requirements of Chapter 62-302, FAC. The program includes a single set of background samples after the completion of the surface water management lakes, 3 sampling events during the wet season, and continuous monitoring for 5 years. Monitoring is proposed to be discontinued after 5 years if surface water quality is demonstrated as being consistent with State standards. An annual report summarizing all monitoring activity will be provided by March 1 of each year. The proposed conditions included in the concurrent planned development outline the timing of the sampling, the parameters to be tested during sampling and the requirement for continuous monitoring for 5 years. Additionally, all data will be provided to Lee County Division of Natural Resources in electronic format for utilization in larger countywide studies. Additional coordination is expected through the review of the requested comprehensive plan amendments and planned development applications to ensure the project's consistency with Objective 60.3.

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.*

POLICY 61.1.6: *When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a development. New developments will coordinate with county staff regarding the source of irrigation water.*

As described by the Characterization of Ground and Surface Water Resources Report prepared by Progressive Water Resources, reclaimed water lines are not available in proximity of the subject Property.

Therefore, a mix of surface water from the onsite management system and supplies from the confined Sandstone Aquifer are proposed to be utilized consistent with Objective 61 and Policy 61.16. Additionally, the Draft Enhancement Lake Monitoring Plan prepared by Progressive Water Resources outlines a proposed Water Quality Monitoring program to ensure that surface water entering and leaving the subject Property meet State standards and protect receiving waters consistent with Goal 61.

Environmental

As demonstrated by the supporting information prepared by Passarella and Associates, the requested planned development is consistent with and furthers Conservation Goals, Objectives, and Policies. The Property supports an active agricultural operation and has had an elevated north/south historic farm road since at least 1958. This site condition has created a hydrological divide on the Property creating east and west sections. Additionally, the onsite wetlands have

berms and ditches creating artificial partitions and disconnecting sections within the natural system.

The IPRMP provided by Passarella and Associates identifies the predominant land cover, approximately 40.7%, is improved and low pasture. Ditches, berms, and other disturbed lands are approximately 7.6% of the Property. Collectively, these areas amount to approximately half of the Property and have resulted in impacts to the natural habitat onsite.

The requested planned development through the MCP, environmental reports and proposed conditions seek to preserve and restore existing wetland and upland habitats to provide flow patterns across the existing basin divide in locations generally consistent with historical patterns mapped by Lee County.

GOAL 123: RESOURCE PROTECTION. Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

POLICY 123.1.1: Maintain standards for development, mitigation and conservation that will protect and integrate wetlands and Rare and Unique upland habitats as defined in this plan.

POLICY 123.1.5: Encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts.

POLICY 123.1.7: Coordinate the location of area wide conservation easements to maximize the protection of natural resources.

POLICY 123.2.6: Avoid destruction of upland vegetation communities including coastal and interior hammocks through consideration of alternative site design layouts.

POLICY 123.2.10: Require that development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas be designed to protect the natural character and public involvement in these areas.

POLICY 123.2.15: Protect Rare and Unique upland habitats from development impacts, to the maximum extent possible, through conservation and/or site design.

The Property is in an area of Lee County where policy priorities have been established by the Board of County Commissioners (BOCC) for the preservation of regional flowways and habitat. This policy direction is a long standing priority for the County and can be seen through numerous mitigation lands and conservation purchases as well as private restoration and preservation that have occurred within the Southeast Lee County community planning area over the years. The Property is proximate to the Wild Turkey Strand Preserve, although not interconnected. The Property's southern boundary is triangular in shape and ceases north of an existing FPL easement. Wild Turkey Strand Preserve is most of Sections 28 and 27 south/southwest of the FPL Easement. The property between the FPL easement and Wild Turkey Strand Preserve limits is held in private ownership. In recognition of this proximity and the privately held lands south of the FPL easement adjacent to Wild Turkey Strand, the southern portion of the Property is proposed for indigenous preservation and restoration consistent with Policy 123.2.10. As previously mentioned due to the proximity to the SWFIA, wetland enhancement and increased restoration is not proposed but like for like restoration activities are planned. Indigenous uplands, including Rare and Unique uplands, surrounding the wetlands are also proposed for preservation and restoration. Approximately 58.1

POLICY 77.3.7: *New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Lee County Greenways Master Plan, must incorporate the greenway trail into their development design. In addition to counting towards the project's, general open space requirements, development constructing the onsite portions of the greenway trail will be eligible for community and regional park impact fee credit.*

The diagram illustrates a typical cross-section of a roadway construction project. Key features include:

- Centerline:** A horizontal line representing the center of the road, with elevations of 27.77 and 27.25.
- Shoulders:** Pavement shoulders (Paved Shldr) on both sides, with elevations of 27.22 and 27.75.
- Grubbing:** Standard Clearing and Grubbing areas on either side of the shoulders.
- Soil and Sod:** Various layers of soil and sod are indicated, with thicknesses ranging from 4' to 12'.
- Stabilization:** 12" Type "B" Stabilization (Min. LBR 40) is shown on the outer edges.
- Easement:** Easement (Varies) areas are shown on the far left and right.
- Barbed Wire Fence:** Barbed Wire Fence (5 Wires) is indicated on the outer edges.
- Stationing:** Stationing is provided at the bottom: STA. 2595+04.57 TO STA. 2689+01.04, STA. 2691+57.00 TO STA. 2709+57.90.

The diagram also includes various labels for construction details, such as "See Shoulder Detail" and "See Plan For Location".

Figure 2. Daniels Parkway Cross-Section

POLICY 123.3.3: *Protect wildlife from impacts of new non-agricultural development in non-urban areas through the creation and implementation of a human-wildlife coexistence plan for each new development requiring a development order.*

OBJECTIVE 123.4: ENDANGERED AND THREATENED SPECIES IN GENERAL.

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 123.12.2: *Encourage use of bear proof containers to secure waste and other attractants within and adjacent to known bear habitats.*

The proposed development seeks to preserve and restore existing native habitats onsite to promote natural surface water characteristics and general flow patterns that existed onsite historically consistent with Goal 123. Consistent with Objective 123.4 the IPRMP submitted with the planned development demonstrates restoration is proposed for wetland and upland communities consistent with Policy 123.3.1. Such preservation and restoration accommodates existing wildlife that inhabits the Property in ways that acknowledge the Property's proximity to SWFIA and minimize attractiveness of the preserved areas to wildlife consistent with Policy 47.2.5. A Human-Wildlife Coexistence Plan has been provided as part of the supporting application materials consistent with Policy 123.3.3. The Proposed Conditions demonstrate it is expected this plan will be updated at the time of Development Order. The Proposed Conditions also demonstrate the bear proof trash container for the residential development and below ground grease traps for the commercial development are required to promote consistency with Policy 123.12.2.

The FLUCCS Map prepared by Passarella and Associates indicates that approximately 532 acres of the subject Property are considered wetlands. However, the proposal **will not create additional** wetland habitat. Due to proximity to SWFIA, restoration activities are only proposed within existing upland and wetland habitats. This restoration will improve hydrogeological connectivity across the Property compared to existing conditions. A Jurisdictional Determination has been secured from the South Florida Water Management District to memorialize the location of onsite wetlands and address any proposed impacts.

GOAL 124: WETLANDS. *To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.*

POLICY 124.1.1: *Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, and except that owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnote 8b of Table 1(a), Summary of Residential Densities.*

The requested planned development demonstrates wetland impacts are proposed to support a residential subdivision with a maximum of 1,600 dwelling units and accessory uses. Across the 1,233 acre property, the requested 1,600 units establishes a density of approximately 1.3 dwelling units/acre – a low density – with recreational amenities proposed to support the community consistent with Policy 124.1.1.

GOAL 125: Water Quality. *To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.*

POLICY 125.1.2: *New development and additions to existing development must not degrade surface and groundwater quality.*

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 estuarine systems.*

The proposed development will eliminate the existing drainage ditches and berms associated with the historic agricultural operations onsite to restore and enhance the existing onsite water resource conditions. The Draft Enhanced Lake Management Plan prepared by Progressive Water Resources includes a Water Quality Monitoring program to ensure surface water entering and exiting the subject Property meets State standards. Through the issuance of the required Environmental Resource Permit by the SFWMD, reasonable assurances are provided to the County that surface and groundwater resources will be protected and maintained. Additionally, the provided Proposed Conditions outline the monitoring schedule and parameters to be tested. The proposed Drainage Report prepared by Morris-Depew Associates demonstrates a unified stormwater management system which will “attenuate the 25 year, 3 day rainfall event within the proposed onsite water management system and reduce peak runoff discharge rates from the project limits.” The stormwater management system is required to be designed based on the SFWMD Environmental Resource Permit program and consistent with the criteria of Part IV of Chapter 373, Florida Statutes. Through the issuance of the ERP, the proposed development will maintain water quality for surface and groundwater that will meet and potentially exceed State and Federal Standards.

The proposed design included in the Master Drainage Plan (Appendix A) demonstrates the integrated water management lakes will have a total surface area of 117 acres. Due to the project’s proximity to the SWFIA and inclusion within the 10,000 foot hazardous wildlife buffer, some lake banks are proposed to be hardened with no littoral plantings to minimize wildlife attractants. These lakes will be interconnected with the lakes outside the 10,000 foot hazardous wildlife buffer to ensure water quality treatment is provided prior to discharge offsite. As demonstrated by the Drainage Report, MCP, Proposed Conditions, and through the subsequent development order, the proposed development will be consistent with Policies 125.1.2 and 125.1.3.

POLICY 126.1.1: *Natural water system features which are essential for retention, detention, purification, runoff, recharge and maintenance of stream flows and groundwater levels shall be identified, protected and managed.*

POLICY 126.1.4: *Development designs must provide for maintaining or improving surface water flows, groundwater levels and lake levels at or above existing conditions.*

The subject Property has 532 acres of wetlands of which 520.9 acres are proposed to be preserved and restored. Completion of the activities outlined in the IPRMP will improve the wetland’s ability to retain stormwater through the elimination of the existing agricultural ditches which internally impound the wetlands. The proposed restoration will increase surface water detention while reducing runoff which will also enhance water quality through vegetative and native soil filtration. The Master Drainage Report prepared by Morris-Depew Associates and Integrated Model

Analysis prepared by Progressive Water Resources demonstrate that the peak runoff of the proposed development will be less than the existing conditions, decreasing the potential for flood conditions on downstream properties. Additionally, the proposed development increases groundwater recharge conditions as compared to the existing conditions. To the maximum extent possible, given the proximity of the Property to the SWFIA, the proposed development incorporates natural features for improving surface water flows, groundwater levels, and lake levels consistent with Policies 126.1.1 and 126.1.4.

Conclusions

The requested Mixed Use Planned Development is the next step of the entitlement process to establish a cohesive master plan with unified commercial and residential development on the subject Property consistent with the Southeast Lee and Lehigh Acres community plans. Developed independently under presently permissible land use, the development patterns would be scattered and uncoordinated with a portion relying on wells and septic, further conflicting with the general intent and vision of the DR/GR FLU.

The requested planned development and supporting application materials provide the opportunity to evaluate properties for redevelopment to determine if the required prerequisites outlined by the concurrent comprehensive plan amendments have been met. The proposed development maintains an emphasis on the preservation and restoration of native habitat in a manner that also restores historic flow patterns across the Property promoting the overall intent of the Southeast Lee Community Planning Area which could not be achieved without the requested amendments.

The supporting materials to this request demonstrate a unified stormwater management system that will appropriately address nutrient loading and surface water quality while interconnecting the two watershed basins onsite in a manner consistent with the Property's proximity to SWFIA. This design promotes a beneficial increase in recharge to the underlying Water Table Aquifer as compared to existing conditions. The design also clusters the proposed development in a manner that preserves or enhances 55% of the Property, consistent with other overlays within the Southeast Lee Community Planning Area. The proposed site design takes into account the unique conditions of the subject Property to appropriately balance the objectives of the DR/GR FLU, and Southeast Lee Community Planning Area, with the Port Authority's desire to avoid potential wildlife attractants. The resulting site design serves to re-establish historic flow patterns, increase aquifer recharge, reduce offsite surface water flows, and preserve and restore 679 acres of habitat. Through the analysis showing onsite preservation and restoration of habitat, the proposed management and monitoring of wildlife, the modeling of existing and proposed surface and groundwater conditions, and the proposed monitoring of surface water quality, the proposed planned development demonstrates consistency with the goals, objectives, and policies for the DR/GR and Wetlands FLU and Southeast Lee County Community Planning Area. The integrated design promoting a unified development of commercial and multi-family residential development with joint access and stormwater management is consistent with the goals, objectives, and policies for the Central Urban FLU and Lehigh Acres community plan area. Additionally, the transportation analysis, urban services analysis, Schedule of Uses and requested deviations are consistent with the underlying FLU categories. Collectively, the documentation demonstrates the requested planned

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development with proposed conditions is consistent with the goals, objectives, and policies of the Lee Plan.