

# Cary+Duke+Povia CPA

(CPA2022-00019)



LEE COUNTY LOCAL PLANNING AGENCY / SEPTEMBER 25, 2023

**NEAL**COMMUNITIES

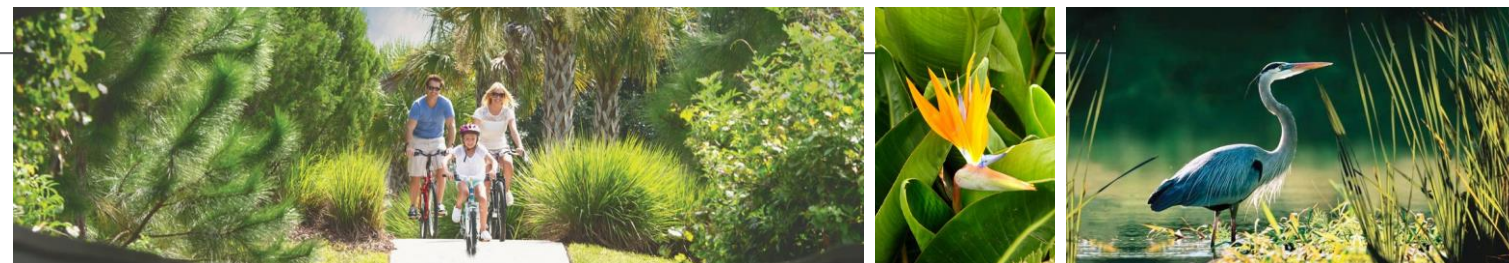
Where You Live Matters

# REQUEST DESCRIPTION

Steve Hartsell, Esq

## PROJECT TEAM INTRODUCTION

- APPLICANT: NEAL COMMUNITIES
- ATTORNEY: STEVE HARTSELL, ESQ. – PAVESE LAW FIRM
- LAND USE PLANNER: JEM FRANTZ, AICP – RVI PLANNING & LANDSCAPE ARCHITECTURE
- PROJECT ENGINEER: BRANDON FREY, P.E. – JR EVANS ENGINEERING
- TRANSPORTATION ENGINEER: YURY BYKAU, P.E. – TR TRANSPORTATION CONSULTANTS INC.
- ECOLOGIST: SHANE JOHNSON– PASSARELLA & ASSOCIATES, INC.

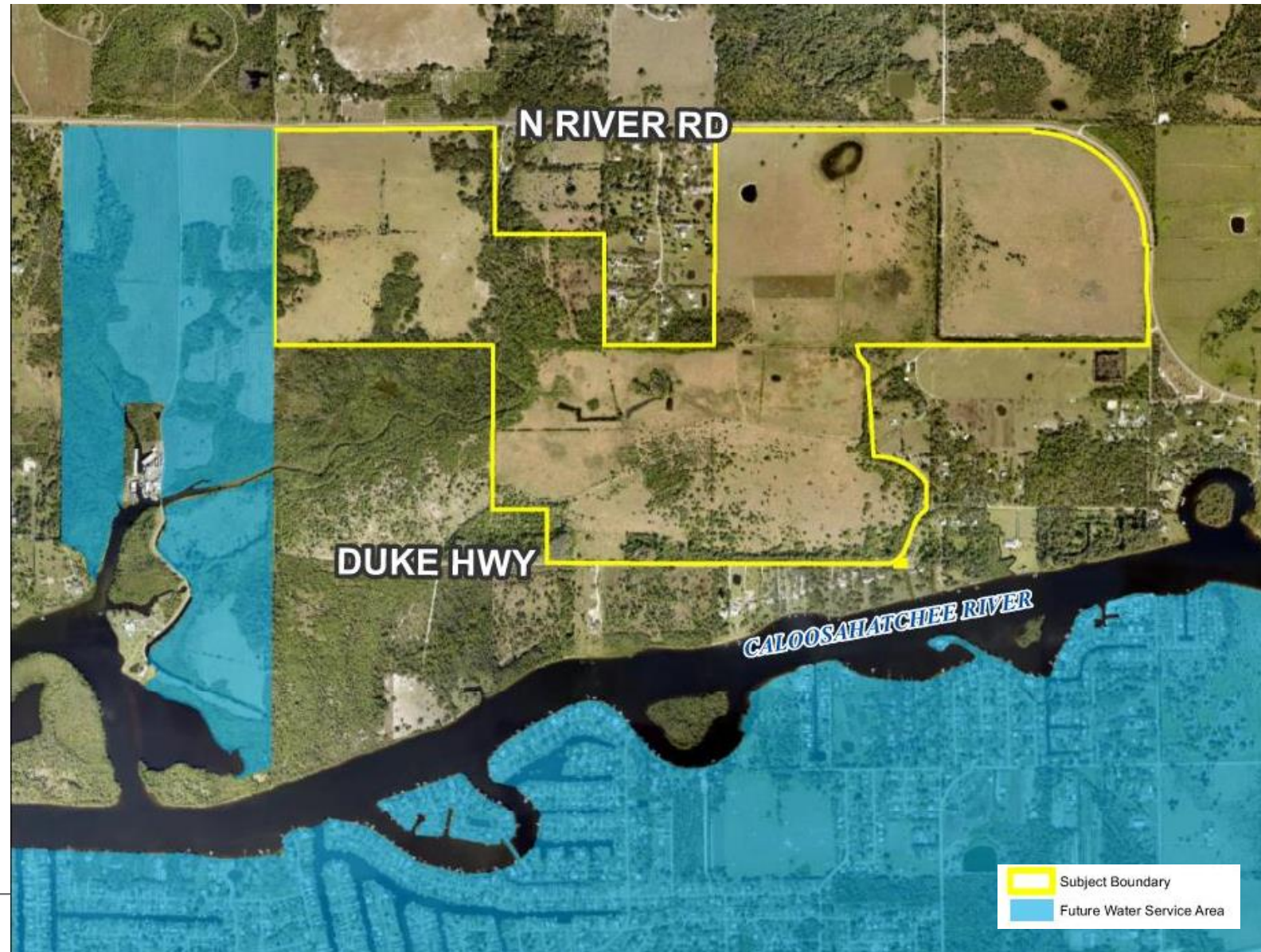


## REQUEST

- To amend the Lee County Utilities Future Water Service Areas Map (Map 4A) the Lee County Utilities Future Sewer Service Areas Map (Map 4B) and to include a 788± acre property within the Future Water Service Area and Sewer Service Area.
- No change to Future Land Use Categories.
- No density changes.

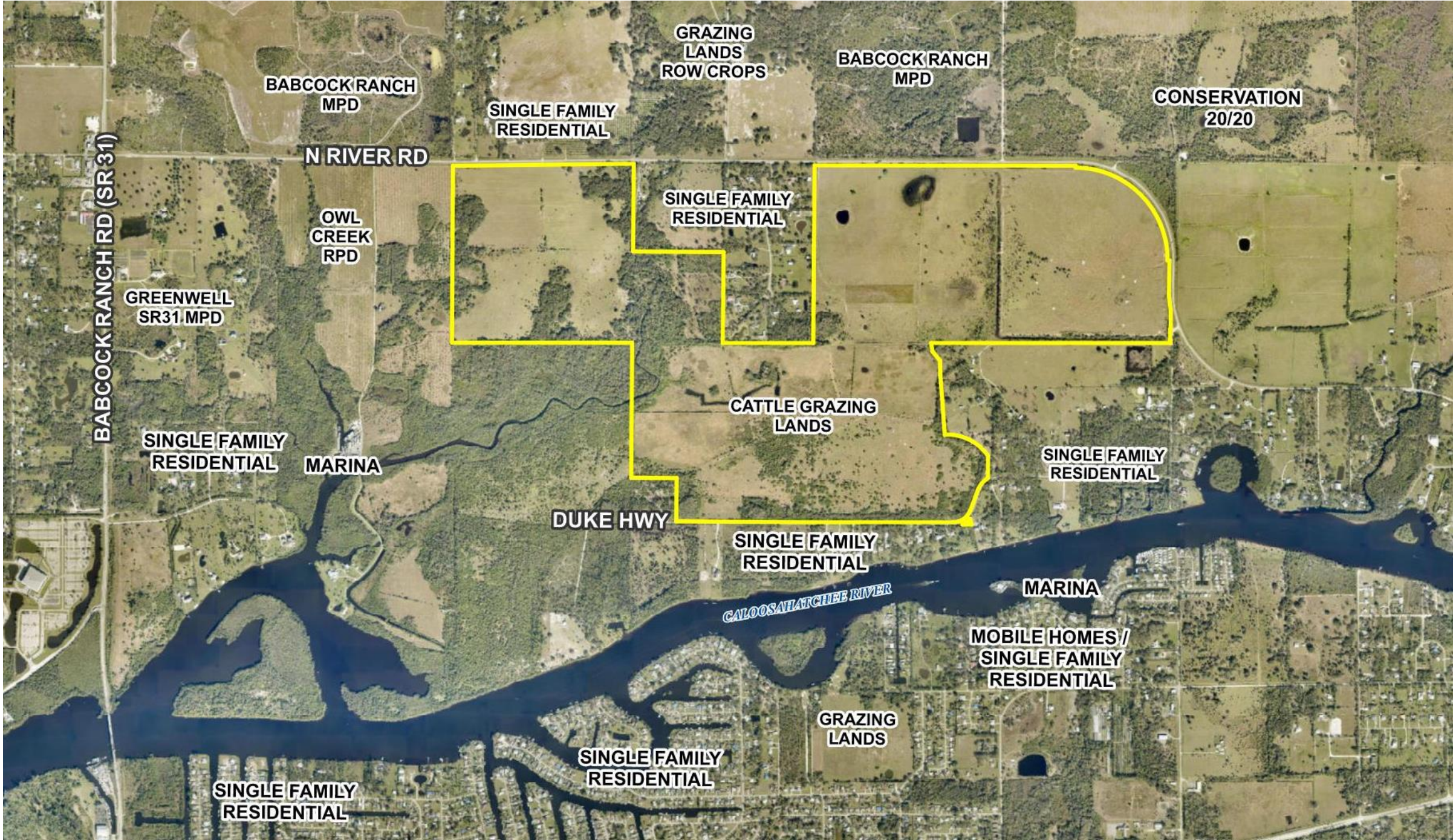


## SITE LOCATION



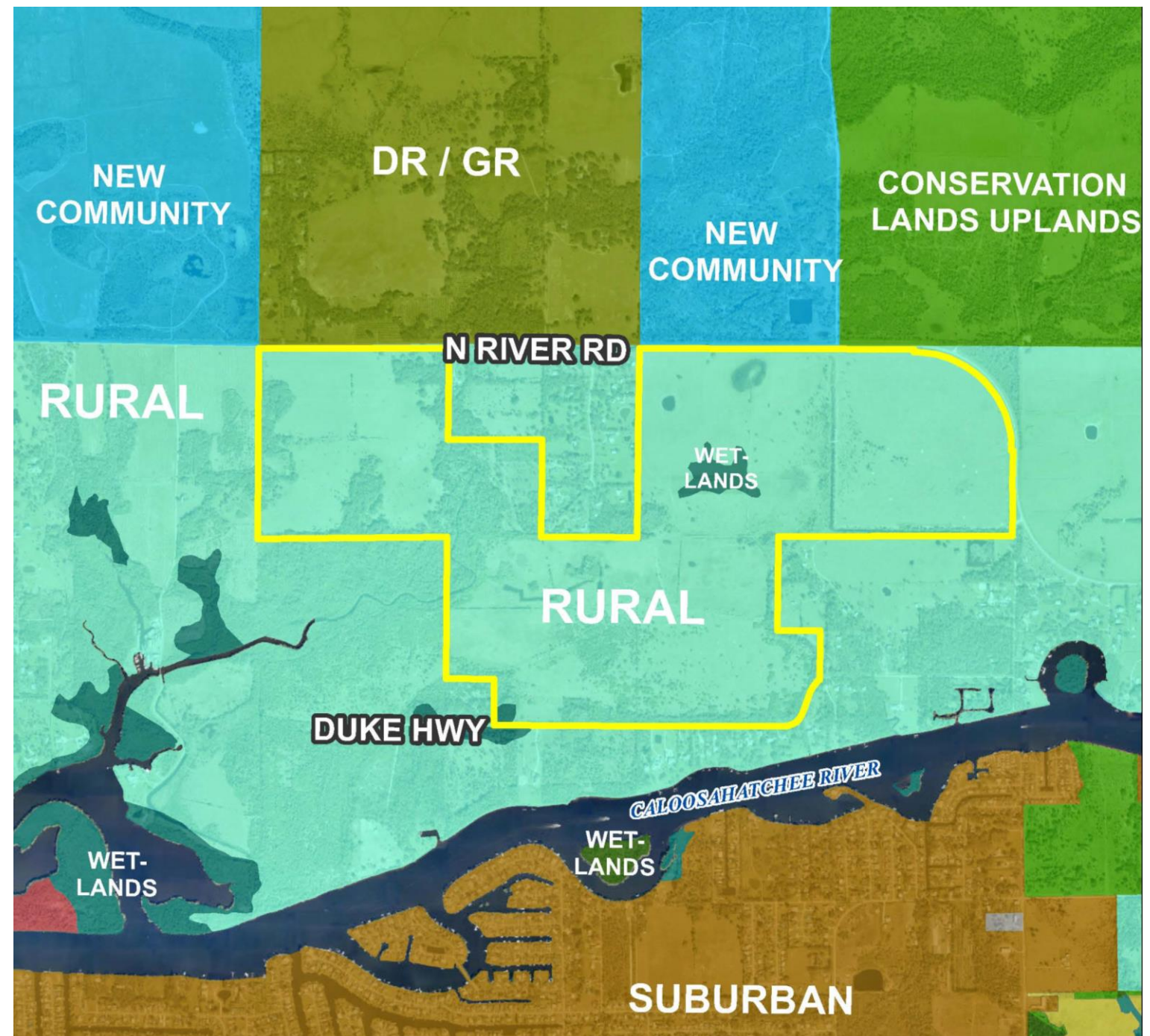
- 788.96 acres
- Access from N River RD
- 1 mile East of SR 31 (Babcock Ranch Rd)
- Currently agricultural use (cattle grazing)
- Contiguous to LCU water service area
- Within Northeast Lee County & North Olga Planning Communities

# SURROUNDING PROPERTIES



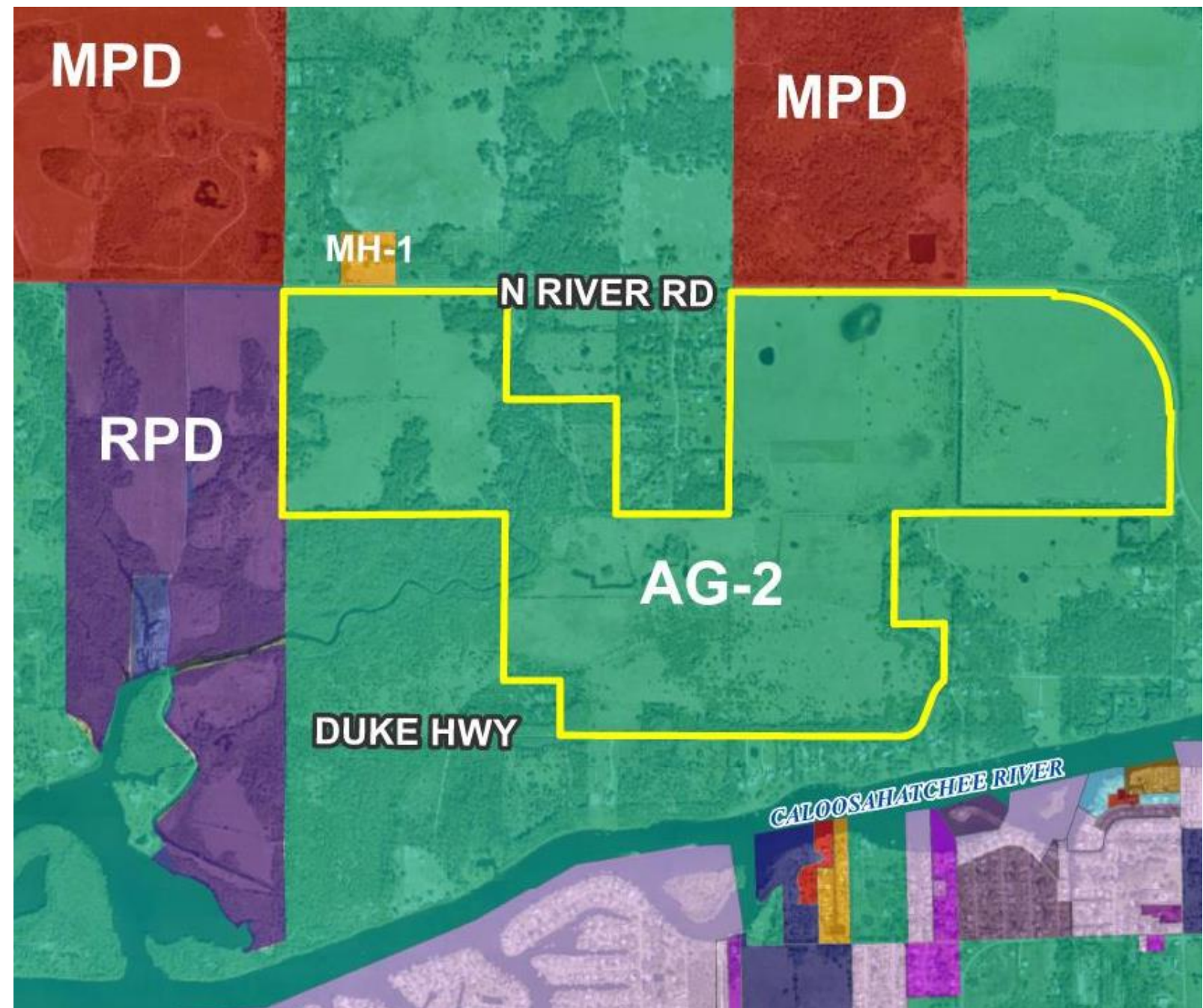
## FUTURE LAND USE

- No change to Future Land Use Categories.



## CURRENT ZONING

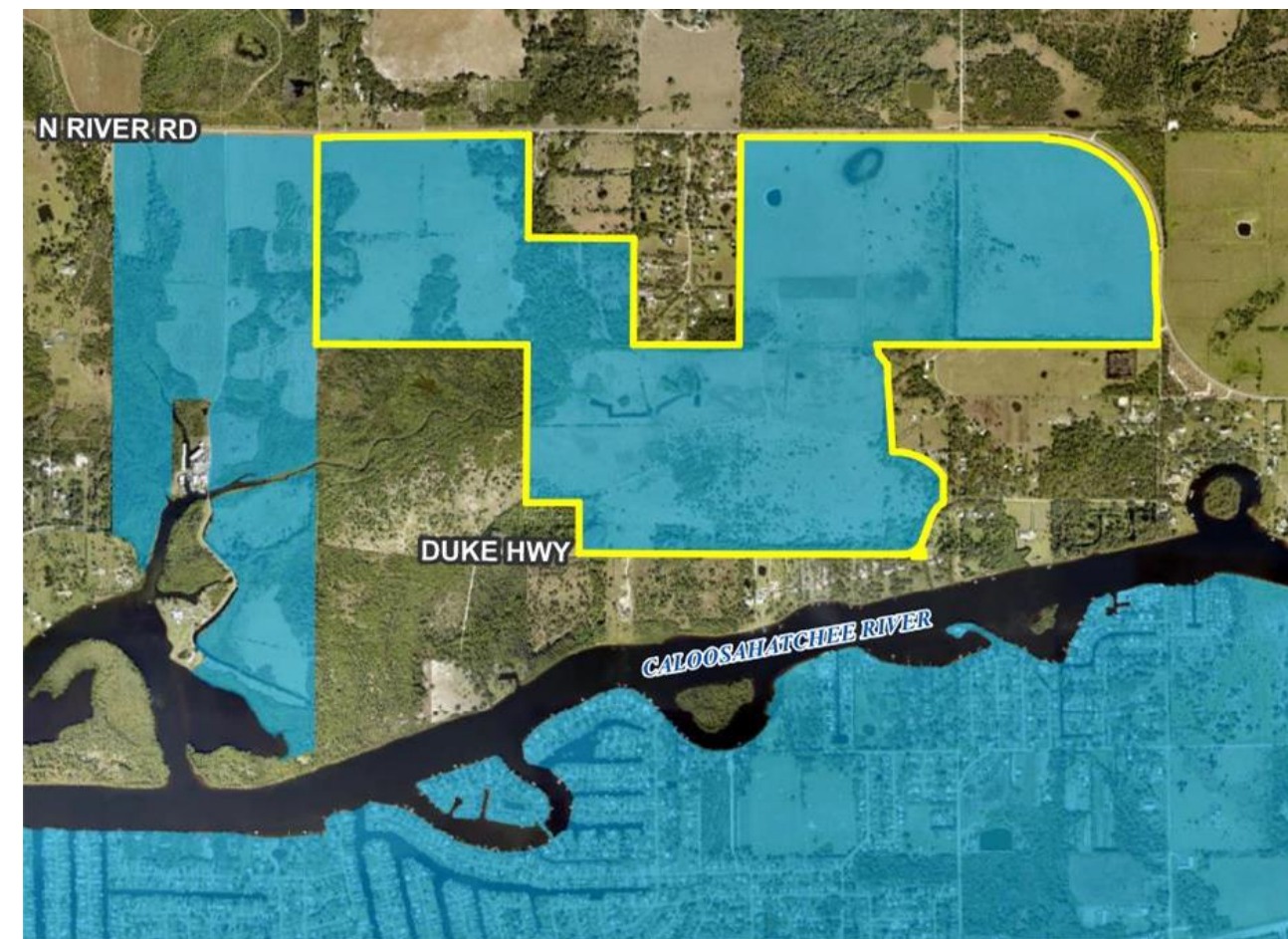
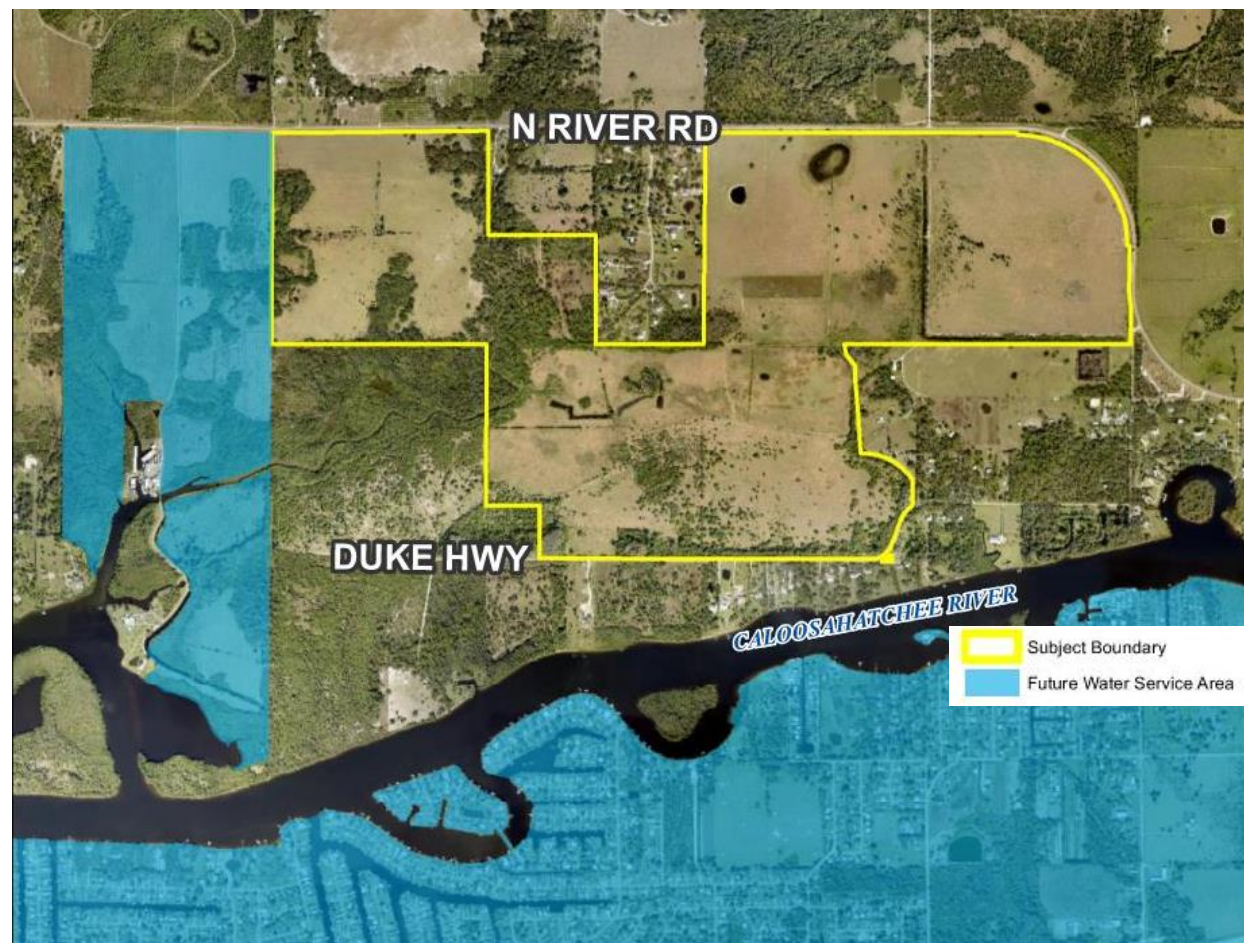
- Currently Agricultural (AG-2)
- Current use: Agricultural/cattle grazing.
- Companion Application to Rezone to Cary+Duke+Povia RPD currently in staff review.





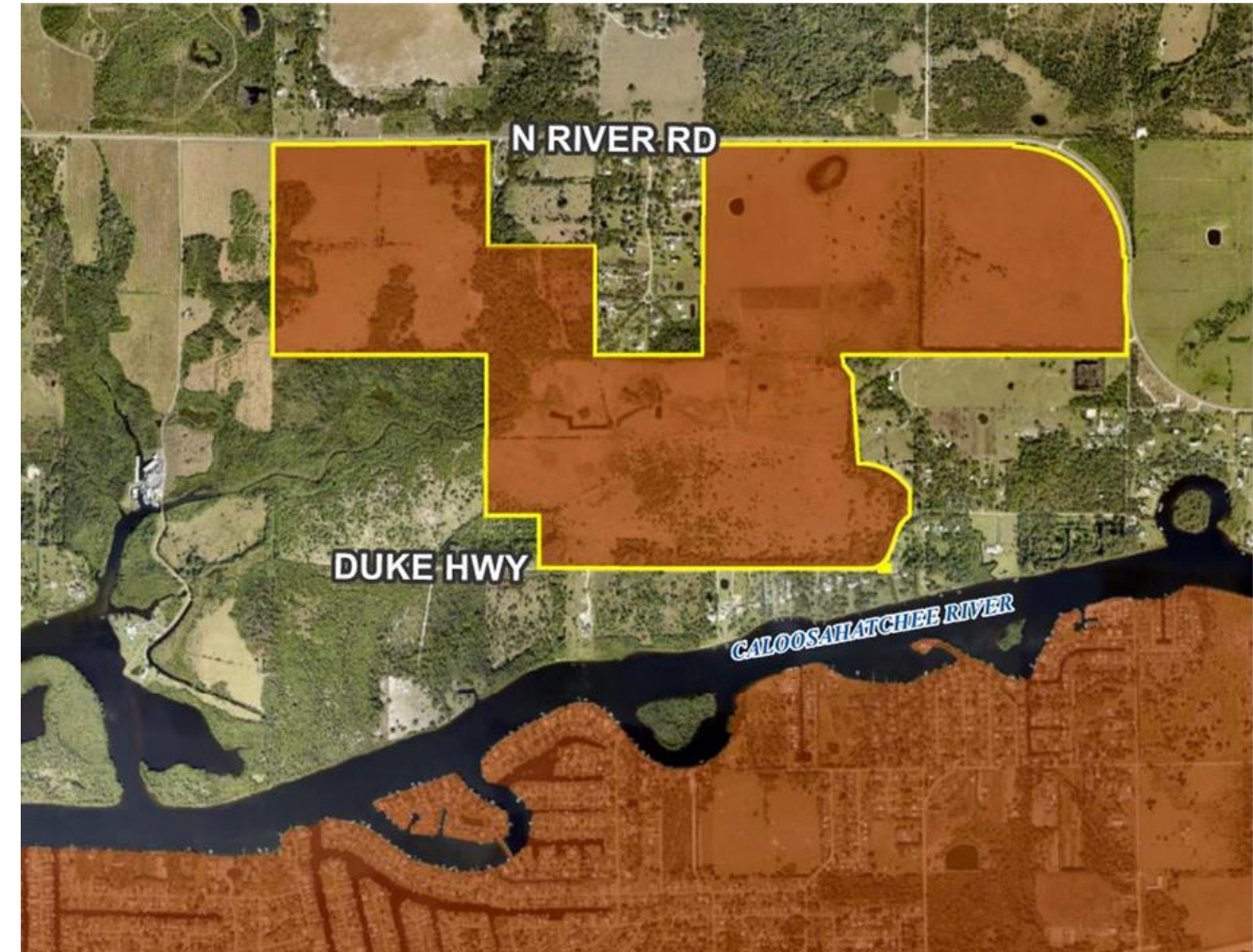
## CURRENT & PROPOSED WATER SERVICE AREA

- LCU Letter of Available Capacity included in application.



## CURRENT & PROPOSED SEWER SERVICE AREA

- LCU Letter of Available Capacity included in application.



# PLANNING ANALYSIS

Jem Frantz, AICP

## LEE PLAN CONSISTENCY

### Rural Future Land Use Category

- **Policy 1.4.1:** Predominantly rural area with minimal non-residential land uses.
- Supports protection of rural area through:
  - Low density – 1.39 du/ac.
  - Significant open space – 60%.
  - Limited to residential development and amenities only.
  - Protects natural areas such as 331.27 acres of Rare and Unique Upland Habitat and the Trout Creek Floodplain.

## LEE PLAN CONSISTENCY

### Wetland Future Land Use Category

- **Policy 1.5.1:** Limited to very low residential density and recreational uses that do not adversely affect the ecological functions of wetlands.
- Preserves wetlands on site with no adverse effects on ecological function of wetlands.

## LEE PLAN CONSISTENCY

### Development Location and Timing

- **Objectives 2.1 & 2.2:** Requires contiguous and compact growth patterns where adequate public facilities exist.
  - Located in area readily serviced by public infrastructure and contiguous to existing and emerging development.
- **Standards 4.1.1 & 4.1.2:** Supports connection to Lee County Utilities for water and sewer service.
  - Immediately adjacent to properties to be served by water and sewer.
  - Addition in Future Service Area maps 4A and 4B needed to establish connection.
  - Letter of availability of potable water and sanitary sewer services obtained and required at the time of local development order.

## LEE PLAN CONSISTENCY

### Goal 5: Residential Land Uses

- **Policy 5.1.2:** Prohibits residential development where physical constraints and hazards exist.
- **Policy 5.1.5:** Protects existing and future residential areas from encroachment of uses potentially destructive to community character.
  - Enhanced buffers provided adjacent to N. River Rd and neighboring properties.
  - Located in area readily serviced by public infrastructure and contiguous to existing and emerging development.
  - Letter of availability of potable water and sanitary sewer services obtained from LCU.

## LEE PLAN CONSISTENCY

### Public Information Meetings

- **Policy 17.3.2 & 17.3.3:** Requires public meetings within Community Plan Areas (North Olga & Alva).
  - January 26, 2023, at the Bayshore Fire Department Station 131, 17350 Nalle Road, North Fort Myers, at 6pm.
  - March 14, 2023, at the Alva Community Center, 21471 N. River Rd., Alva, at 7:00 pm (within the Alva community plan area boundary).
  - June 20, 2023, at the Cracker Shack Café, at 11:00 am (within the North Olga community plan area boundary).
- Each meeting was advertised in the News–Press.
- Approximately 132 people attended one or more of these meetings.



## LEE PLAN CONSISTENCY

### Water infrastructure Improvements

- **Policy 53.1.8 & 53.1.9:** Requires new development to pay fair share costs associated with extensions of water service.
  - Extension of potable water service will be through developer funded improvements and connection fees.
- **Policy 60.1.1 & 60.1.2:** Require design of surface water management systems to protect groundwater and natural surface water flow-ways.
  - Extension of potable water service allows for a significantly reduced development footprint.
  - Results in more protection for existing flow-ways than required by AG-2 zoning.
- **Policy 61.1.6:** Requires reuse water for irrigation where available.
  - Reuse not available but potable water will not be used for irrigation.

## LEE PLAN CONSISTENCY

### Financing of water infrastructure Improvements

- **Policy 95.1.3 & 95.3.3:** Requires new development to pay fair share costs associated with necessary public facilities and extensions of water service.
  - Letters of availability obtained for all regulatory LOS standards.
  - Extension of potable water service will be through developer funded improvements.
  - Provides multiple fire hydrants along N. River Rd.
  - Impact fees will be paid by the developer.
    - Estimated Impact Fees: \$10.7 Million
    - Estimated Utility Connection Fees (Water): \$2.7 Million
    - Estimated Utility Connection Fees (Sewer): \$2.9 Million

## LEE PLAN CONSISTENCY

### Protection of Wetlands

- **Policy 124.1.1 & 124.1.2:** Addresses protection of wetlands, density in the Wetlands Future Land Use Category and requires state agency permits.
  - Expansion of service areas allows for additional preserve areas on site.
  - 51.98 acres of wetland preservation on site.
  - No changes to allowable density or permitting requirements are proposed.

## LEE PLAN CONSISTENCY

### Protection of Wetlands

- Policy 125.1.2: Prohibits degradation of surface and ground water quality.
  - Expansion of service areas facilitates the elimination of the potential for up to 788 homes with well and septic services which could be developed without need for rezoning.

## STATE COMPREHENSIVE PLAN CONSISTENCY

### Land Use – 187.201 (15)

- Goal of preserving natural resources and enhancing quality of life through efficient development and the separation of urban and rural land uses.
  - Proposed density is consistent with the Lee Plan.
  - Extension of water and sewer services facilitates efficient and compact development.
  - Letters of availability of all regulatory levels of service obtained.

### Public Facilities – 187.201 (17)

- Goal of protecting and maximizing investments in public facilities, and to allocate costs of new facilities based on benefits to existing and future residents
  - Extension of services concurrent with new development.
  - Maximizes existing and planned public facilities expansions to neighboring properties.
  - Extension of services to be developer funded.

## REGIONAL POLICY PLAN CONSISTENCY

### Water Resources – Goal 3

- Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable water wells, wellfields and contributing areas from contamination.
  - Proposed map amendment reduces the potential number of private wells and allows more frequent maintenance and monitoring of water quality and quantity to protect against surface water contamination.

## BENEFITS OF PROPOSED CHANGES

- **Protects Natural Resources and Community Character:**
  - Eliminates the potential for up to 788 homes with well and septic services which could be developed without need for rezoning.
  - Provides better protection of nearby Wellfield Protection areas.
  - Allows for clustered residential development that:
    - Greatly increases protection of Rare and Unique Uplands in rural areas in accordance with recently adopted Lee Plan Policy 123.2.17.
    - Provides 60% Open Space and 50% Preserves.
    - Preserves, creates or restores 331.27 acres of Rare and Unique Upland Habitat.
    - Preserves 51.98 acres of Wetlands.
    - Includes protection of the Trout Creek Floodplain.
    - Allows for elimination of access to Duke Hwy.
  - Facilitates more compact residential design and increased open space.
  - Clusters residential development consistent with the North Olga Community Plan.

## CONCLUSION

- No changes to Future Land Use Categories or maximum density.
- Consistent with the Comprehensive Plan and Land Development Code.
- Lee Plan change increases compatibility with surrounding community and provides significant environmental protection.
- Utilizes recently adopted policies for Rare Unique uplands preservation, restoration and creation.
- Staff Recommendation of TRANSMITTAL.