

RIVER HALL RPD/CPD

REZONING Request Statement & Lee Plan Compliance

BACKGROUND AND REQUEST

The Subject Property is located in Alva, Florida (Unincorporated Lee County), southeast of the intersection of Buckingham Road and State Road 80 (See Figure 1.) and consists of ± 172.67 acres encompassing six (6) parcels, further referenced as the Subject Property. The proposed zoning request runs concurrently with the proposed River Hall Map Amendment (CPA2021-00016).

The proposed rezoning seeks to add 9.98 acres to the River Hall RPD and increase density to allow 3,244 units, for a total of 1.6 units per acre on 1,988 acres. The CPD is proposed to 5.55 acres, with a maximum of 15,000 sf of commercial uses.

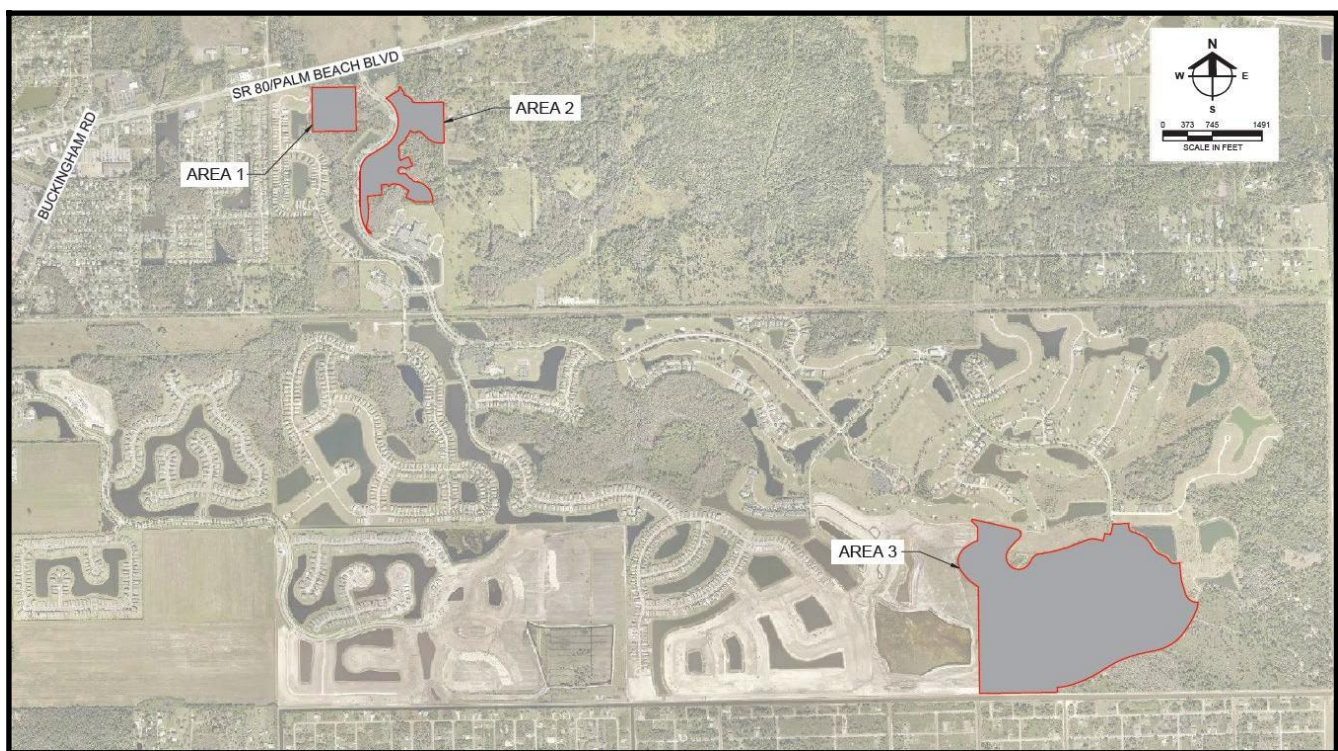


Figure 1. Subject Property Location Map

HISTORY

1999 - The River Hall Project, which refers to the 1,798 acres that make up the entire development, was rezoned from AG-2 to RPD to allow 1,598 units through zoning resolution Z-99-056.

- Project size: 1,798 acres
- All land Rural FLU

2005 - Followed by a rezone from AG-2/RPD to RPD/CPD to allow 1,999 units on 1,978 acres through zoning resolution Z-05-2015.

- Project size: 1,978 acres
- All land Rural FLU

2015 - The project then underwent a rezoning and Comprehensive Plan Amendment (CPA) to increase density to allow 3,244 units through Z-15-003 and CPA2012-00001.

- Project size unchanged at 1,978 acres
- 1,064 acres of Rural and 223 acres of Wetlands converted to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban (SOS)
- Created irregular, isolated SOS shapes in the Future Land Use Map (FLUM)

RIVER HALL II - 2022

Shown on the MCP as “River Hall II – 2022”, the Subject Property is located in three unplatted areas of River Hall, totaling 172.67 acres:

Rezone Area 1 – Southwest of River Hall Project Entrance – ±9.98 Acres

- Proposed to be 100% preserved
- Located on west side of River Hall Parkway, undeveloped
- Current FLU: Suburban / Wetlands
- Current zoning: AG-2
- Proposed zoning: RPD
- Proposed use: preserve

Rezone Area 2 – Southeast of River Hall Project Entrance – ±22.74 Acres

- Located on east side of River Hall Parkway, undeveloped
- Current FLU: SOS
- Proposed FLU: Suburban (CPA2021-00016)
- Zoning: CPD & RPD
- Proposed use: Commercial and/or residential

Rezone Area 3 – Southeastern portion of River Hall – ±139.95 acres

- Proposed density cap of 420 units (140 ac x 3 du/ac)
- Located east of the platted portion of Hampton Lakes, undeveloped
- Current FLU: SOS
- Proposed FLU: Outlying Suburban (CPA2021-00016)
- Zoning: RPD
- Proposed use: Residential

Approval of this rezoning will allow a total of 3,244 units for River Hall. The proposed increase in density and acreage equates to 1.6 dwelling units per acre for the overall River Hall Project, an increase of 0.2 units per acre when compared to the current approval.

As future portions of the report outline, the allowable density by Future Land Use is more than the proposed 3,244 units. The RPD portions of the project encompass 1982.87 acres, within

various future land use categories. Calculating the previously preserved wetlands at the lower Rural rate of 1 units per acre, the allowable density is 3385 units. Therefore, the requested zoning proposes 141 units less than what is allowed by Future Land Use.

Allowable Density		
FLU	AC	Allowable Density
Suburban	92.93	557.58
Wetlands (*)	21.14	126.84
Outlying Suburban	308.77	926.31
Sub-Outlying Suburban	275.59	551.18
Rural	1051.80	1051.80
Wetlands (**)	168.06	168.06
Impacted Wetlands	64.54	3.23
TOTAL:		3385.00

* Newly added wetland preserve within the "10-acre" parcel calculated at Suburban rate

** Previously preserved wetlands calculated at Rural rate

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the three Subject Property locations are all within the Urban Community, Suburban, Outlying Suburban, Rural, and Wetlands FLUM categories, based on the concurrent CPA's proposed FLUM, as shown in tables 1.a, 1.b, and 1.c.

North - To the north of the River Hall Project, and abutting the Subject Property, are properties within the Rural FLU category. The River Hall Project also abuts Commercial FLU just north of Palm Beach Boulevard, at the entrance to the River Hall Community.

South - To the south of the River Hall Project, including the canal, are properties within the Urban Community category, which allows a standard density range of 1 du/ac to 6 du/ac under Policy 1.1.4. The Urban Community FLU also allows a maximum total density of 10 du/ac, as well as the potential to increase to 15 du/ac utilizing Greater Pine Island Transfer of Development Units. In addition to the River Hall Project, the Urban Community FLU also abuts the southern boundary of Rezone Area 3.

East - To the east of the River Hall Project are the Rural and Urban Community FLU categories. A LAMSID canal abuts the southern portion of the River Hall Project's eastern boundary, designated as Urban Community, followed by Hickey Creek Mitigation Park (Conservation lands). The northern portion of the eastern boundary abuts a Rural FLU, including a portion of the Subject Property in Rezone Area 2.

West - To the west of the River Hall Project, along the northern portion of the western boundary line, are lands designated Suburban, which allows a standard density range of 1 du/ac to 6 du/ac under Policy 1.1.5, as well as the potential to increase to 8 du/ac utilizing Greater Pine Island Transfer of Development Units. The southern portion of the western boundary line abuts two RPD developments under the Outlying Suburban FLUM Category, which allows up to 3 du/ac.

COMPATIBILITY WITH SURROUNDING PROPERTY

The proposed rezoning is compatible with the existing and planned uses in the surrounding area. Being located within and/or completely surrounded by for the River Hall Project, the Subject Property's specified locations mostly abut land within the River Hall RPD/CPD, designated as Suburban, Outlying Suburban, Rural, and Wetlands on the CPA's proposed FLUM. The perimeter of the River Hall Project also abuts Outlying Suburban to the west, Urban Community to the south, and Rural to the east. Please refer to the tables below, which inventory in further detail the Subject Property's surrounding Future Land Use categories, zoning and existing land uses.

TABLE 1.a – Rezone Area 1

	Existing Future Land Use	Zoning District	Existing Uses/Notes
NORTH	Suburban, Rural, Wetlands	RPD:CPD (RH)	Vacant Commercial, indigenous open space, lake
SOUTH	Suburban, Rural, Wetlands	RPD:CPD (RH)	Indigenous open space
EAST	Suburban, Rural, Wetlands	RPD:CPD (RH)	Indigenous open space, sales center
WEST	Suburban, Wetlands	RPD:CPD (RH)	Residential, lake, indigenous open space

(RH) – River Hall RPD/CPD

(OFF) – Offsite

TABLE 1.b - Rezone Area 2

	Existing Future Land Use	Zoning District	Existing Uses/Notes
NORTH	Rural	RPD:CPD (RH)	Vacant Commercial, indigenous open space, undeveloped
SOUTH	Rural	RPD:CPD (RH)	Elementary School, indigenous open space
EAST	Rural	RPD:CPD (RH) /AG-2 (OFF)	Residential, indigenous open space
WEST	Suburban, Rural	RPD:CPD (RH)	ROW, sales center

(RH) – River Hall RPD/CPD

(OFF) – Offsite

TABLE 1.c – Rezone Area 3

	Existing Future Land Use	Zoning District	Existing Uses/Notes
NORTH	Outlying Suburban, Rural	RPD (RH)	Residential, lake
SOUTH	Urban Community Rural & Wetlands	RS:1 (OFF) RPD (RH)	Vacant residential, residential, conservation easements
EAST	Rural, Wetlands	RPD (RH)	Conservation easements, lake, residential
WEST	Outlying Suburban	RPD (RH)	Residential

(RH) – River Hall RPD/CPD

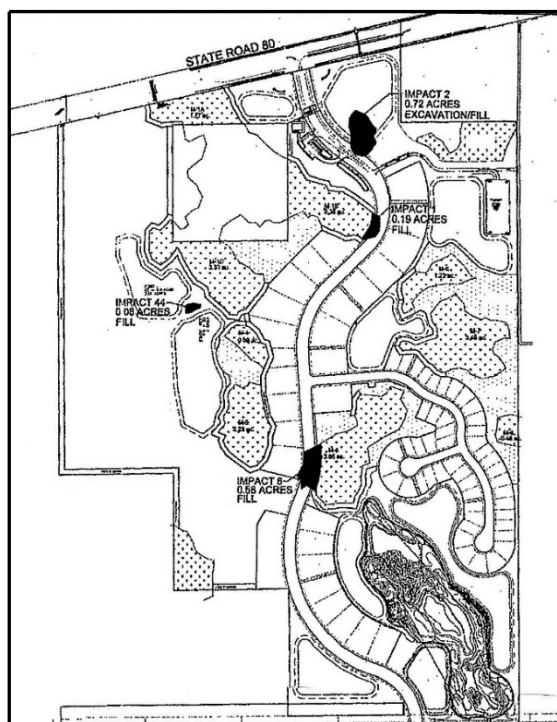
(OFF) – Offsite

The proposed uses are compatible with the surrounding development. Rezone Area 1 is entirely preserve. The uses proposed in Rezone Areas 2 and 3 are unchanged from the previous approval. Rezone Areas 2 and 3 are land areas that have been included within River Hall since the first rezoning in 1999, deemed compatible and consistent with the surrounding properties through 3 public hearing processes. Acknowledging a potential for incompatibility near the project entry, additional provisions are proposed where density increase is proposed by offsite Rural Future Land Use. As noted on the MCP, if multifamily height exceeds 35' (allowed height

of abutting rural/AG land), principal building setback will be increased to 150-feet. Additionally, to ensure a parking lot isn't constructed in the separation to rural land, a transition lake is required. Notes have been added to the eastern boundary of the CPD outlining these requirements.

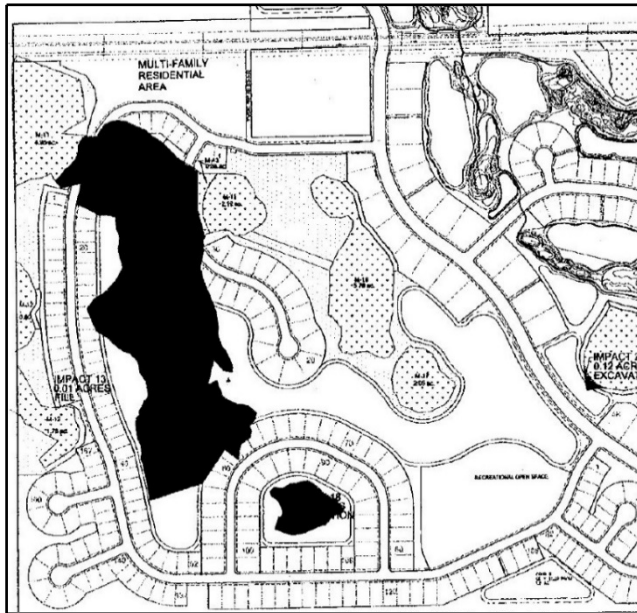
WETLAND IMPACTS

The wetland impacts have been calculated using two approved ERP Permits. Wetland impacts were permitted in 2001 through ERP Permit No. 36-04006-P (Application No. 9910123) and modified in 2006 through ERP Permit No. 36-04006-P (Application No. 051122-18). The modified application applied only to land south of the powerline easement. As such, the impacts north of the powerline easement are calculated from the 2001 permit through four wetland impact areas. As shown on the "Impact Plan" prepared by Consul-tech Engineering, 1.57 acres of wetland impacts have been permitted north of the powerline easement. Please see the table and image below and page EN-3/EN-21 included within the enclosed Environmental Resource Permit Staff Review Summary for Permit No. 36-04006-P. As shown in the table below, one wetland impact area was in the Suburban Future Land Use category, with the remaining wetland impacts in the Rural Future Land Use category.



Wetland Impacts North of Powerlines		
Impact ID #	Size	FLU
1, 2, 8	1.49 ac	Rural
44	0.08 ac	Suburban
TOTAL	1.57 ac	

South of the powerline easement, 62.67 acres of wetland impacts are permitted as modified through ERP No. 36-04006-P (see page 14 of 27 of the enclosed permit from SFWMD). As shown in the table below, only one area was in the Suburban Future Land Use category.



Wetland Impacts South of Powerlines		
Impact ID #	Size	FLU
19 Areas	61.25 ac	Rural
19	1.42 ac	Suburban
TOTAL	62.67 ac	

For a comprehensive map of River Hall wetlands (impacted and preserved) and FLU, please see enclosed "Allowable Density Exhibit." Wetland summary is as follows:

Wetland Summary	
Preserved Rural	168.06 ac
Preserved Suburban	21.14 ac
Impacted (Sub=1.50, Rural=62.74)	64.54 ac
TOTAL:	253.74 ac

FUTURE LAND USE ELEMENT

Upon approval of the concurrent River Hall CPA, the ±172.67 acre Subject Property will have FLU designations of Suburban, Outlying Suburban, Rural, and Wetland. The proposed rezoning complies with the maximum densities permitted in each future land use category, as proposed by the concurrent CPA, which are associated with Policies 1.1.5, 1.1.6, 1.4.1, and Objective 1.5. The requested density of 3,244 units is less than the allowable density of 3,385 units.

The proposed rezoning is consistent with Objective 1.1 (Future Urban and Suburban Areas) and corresponding Policies 1.1.5 and 1.1.6 for Suburban and Outlying Suburban future land use categories, based on approval of the companion CPA's proposed map amendment to the Lee Plan. This rezoning application will ensure the Subject Property is developed at the density approved by the concurrent CPA request. The proposed increase of 549 dwelling units will allow for buffers, open space, recreational/amenities, and increased flexibility to allow for continued protection of environmentally sensitive lands. The proposed density is compatible and consistent with existing densities found in residential developments adjacent to the Subject Property east of Buckingham Road.

Allowable Density - with 10-ac parcel added - Commercial excluded from Suburban - all preserved wetlands per Policy 124.1.1 - impacted wetlands at 1 du/20 ac - FLU per CPA2021-00016 as revised April 2023				
FLU	AC	Less CPD	Rate	Allowable Density
Suburban	98.48	5.55 (= 92.93)	6	557.58
Wetlands - preserved at Suburban rate	21.14		6	126.84
Outlying Suburban	308.77		3	926.31
Sub-Outlying Suburban	275.59		2	551.18
Rural	1051.80		1	1051.80
Wetlands - preserved at Rural rate	168.06		1	168.06
Impacted Wetlands	64.54		0.05	3.23
TOTAL:	1988.38			3385.00

Allowable Density: 3385 units

LEE PLAN – VISION STATEMENT

The Fort Myers Shores vision statement provides an overview of the existing conditions and unique characteristics of the Fort Myers Shores Community. Although encompassed by residential single-family homes in a more rural character, the community is anticipated to grow substantially, with majority of the land designated as Suburban, Outlying Suburban, Rural or Urban Community, and planned commercial nodes for higher intensity development. The vision for this plan is to allow the Fort Myers Shores Community to continue to develop a commercial/employment center for the adjacent communities.

The Subject Property is located within the Fort Myers Shores Community, as shown on Lee Plan Map 1-B. Listed as Goal 21 within the Lee Plan (Caloosahatchee Shores Community Plan), the intent for the area outlines the need to “protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.” The requested rezone will reinforce this goal by promoting an increase in new residential development in a location already planned for future residential.

In line with the Fort Myers Shores Community's intent to support continued development of a commercial/employment center, the additional rooftops proposed by this request will help aide future commercial development. Viability of future commercial development is often dependent on the availability of surrounding residential homesites. As such, the proposed additional dwelling units may play a vital role in the timing associated with the future commercial development within the Fort Myers Shores Planning Community. The proposed increase of 549 dwelling units mirrors the additional density allowed by the concurrent CPA's proposed FLUM changes, which is consistent with this vision. The proposed rezoning areas represent a location where slightly greater density is compatible with the surrounding uses and where existing infrastructure can support the proposed project.

Adequate urban services exist to justify and support future development under the proposed request without negatively impacting the surrounding natural resources or burdening the surrounding infrastructure and public services. Under this zoning application for the River Hall Project, the intended development plan will create a residential community consisting of 549 units more than the currently approved River Hall RPD. Buffering, open space/preserve areas, environmental stewardship, and recreational areas are incorporated within the current development and can be modified, if necessary, to accommodate the additional density, providing sufficient facilities and ensuring compatibility with the surrounding properties and consistency with the objectives provided in the Fort Myers Shores Community vision.

GROWTH MANAGEMENT

The request is consistent with Goal 2, Objective 2.1 (DEVELOPMENT LOCATION), and corresponding applicable Policies 2.1.1 and 2.1.2, which outline the intent to promote contiguous and compact growth patterns, contain urban sprawl, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. Upon approval of the concurrent CPA, the acreage included in this request is within the Suburban, Outlying Suburban, Rural and Wetland FLU categories, and is located where adequate urban services not only exist, but are in place for development to proceed without negatively affecting natural resources or requiring additional infrastructure.

The existing urban services support the appropriateness for the proposed density increase, and indicate the residential development intensification in this region, supported by the approved CPAs/Rezoning to increase density on properties adjacent to the River Hall Project. Subsequently, the proposed density increase represents a logical extension of existing development patterns and an efficient use of public infrastructure. The developments that have recently went through a CPA and rezoning are located to the west of the River Hall Project.

The northern parcels included in this request (Rezone Areas 1 and 2) abut land within the Suburban FLU designation to the west. Its location adjacent to the Suburban FLU, access to urban services, and proximity to State Road 80 and future commercial substantiates the appropriateness of the increased density proposed by this request. In addition, the timing of this request is appropriate given the need for additional dwelling units in this area based on the continued population growth trend in Southwest Florida and the limited housing availability for both renters and buyers.

The proposed rezoning will not result in urban sprawl, which is defined in the Lee Plan as "The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into out-lying, non-urban areas." Conversely, the proposed rezoning will help to prevent

leap-frogging of density into out-lying non-urban areas by permitting the additional density in a logical location as an extension of existing development patterns within the Community. The availability and current existence of urban services provides supporting evidence for development to take place in the proposed rezone areas, which will utilize and adhere to the strict regulations associated with the planned development process to deliver a quality product, which closely aligns with the needs and desires of the Fort Myers Shores Community.

The request is consistent with Objective 2.2 (DEVELOPMENT TIMING), which outlines the intent to direct new growth to future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. The existing and future residential uses surrounding the property, and adequate urban services justify the timing of this rezoning, which will allow for medium to low-density development that will help fulfill housing needs in Lee County. The attached letters of determination of existing support facilities (Fire, EMS, Law Enforcement, Solid Waste, Mass Transit, Schools) further emphasize the adequacy of timing and support in place for the purposed development. Please note that the attached letters of determination are associated with the companion CPA and are based on single family units, the largest rate generator for utilities and schools. As such, any combination of single family and/or multi-family will comply with the capacities found sufficient by Lee County Utilities and The School District of Lee County, for the requested 549 additional dwelling units.

The project will comply with Objective 2.5 (HISTORIC RESOURCES). A Historical Resources query was made to the Florida Master Site File and the results included with this submittal delineating the location of the property regarding historical and culturally sensitive areas in Lee County. The Subject Property was found to be clear of any cultural or historical resources.

GENERAL DEVELOPMENT STANDARDS

The request is consistent with Standard 4.1.1 (WATER), AND 4.1.2 (SEWER), and 4.1.4 (ENVIRONMENTAL FACTORS).

The River Hall Project's existing and proposed density does not and will not exceed 2 dwellings units per acre. However, the Subject Property is located within the LCU future water service area, according to Map 4-A of the Lee Plan, and as a result is required to connect to a public water system, in accordance with Standard 4.1.1. The project intends to tap into LCU for potable water service. A letter of availability from LCU is included with this submittal, demonstrating sufficient capacity within the Olga Water Treatment Plant.

Due to the development's location within the LCU future sewer service area, as shown on Map 4-B of the Lee Plan, it must connect to sewer utility if there is existing infrastructure adequate to accept the effluents of the development within ¼ mile from any part of the development, as required by Standard 4.1.2. The project intends to tap into City of Fort Myers Utilities for sewer service. A letter of availability from LCU is included with this submittal, demonstrating sufficient treatment capacity within the City of Fort Myers South Water Reclamation Facility.

Consistent with Standard 4.1.4, an Environmental Assessment Report is included with this submittal. The report analyzes environmentally sensitive areas of the site. No environmentally sensitive lands will be impacted by the proposed rezone. As shown on the MCP, the added 9.98 parcel will be entirely preserved.

RESIDENTIAL LAND USES

Pursuant to Goal 5 (RESIDENTIAL LAND USES) of the Lee Plan, the County needs “to accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.” According to the Bureau of Economic and Business Research (BEBR), the medium range population projection for Lee County anticipates a population increase from 750,493 in 2020 to 904,700 by 2030. This influx of an additional 154,207 residents further emphasizes the need to provide housing to accommodate the projected population growth for the area. Additionally, the Subject Property is located within Unincorporated Lee County (a sub-section of Lee County), which has housed approximately half of the County’s total population from 2010 to 2020. As such, Unincorporated Lee County should anticipate garnering a large percentage of the County’s total population increases year after year. The utilization of the Subject Property for some additional housing will assist in achieving this goal. Consistent with Policy 5.1.1, River Hall will be developed as a planned development. Furthermore, in alliance with Policy 5.1.3 – which emphasizes directing residential developments to locations near employment and shopping centers, parks and schools – the proposed development is proximate to SR 80 corridor growth and existing and future commercial nodes within 3 miles, public parks, and public schools to serve its residents.

The request is consistent with Policy 5.1.2, which outlines the intent to prohibit residential development where physical constraints or hazards exist. The Subject Property is outside of any Coastal High Hazard Area as delineated in Map 5-A of the Lee Plan. Through the Planned Development process, the proposed cluster development will provide the necessary environmental, historical, water quality, and infrastructure enhancement measures needed to ensure proper functionality and design.

Policy 5.1.6 calls for development regulations requiring high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate for their density and design. The River Hall Project is currently a clustered development plan and the proposed rezoning to increase density and acreage will comply with the community’s development regulations providing sufficient open space, preservation areas and recreational areas incorporated within the development.

Policy 5.1.7 requires that community facilities (such as park, recreational, and open space areas) in residential developments to be functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. The proposed development has an existing centrally located amenity center facility with multi-access for all residents. Additionally, open space areas will meet or exceed requirements of the LDC, and passive recreational areas will be provided, such as a shared-use pathway network linked to interior sidewalks and any proposed pedestrian/bicycle facilities along State Road 80.

COMMUNITY PLANNING

The Subject Property is identified within Lee Plan Map 2-A as being within the Caloosahatchee Shores Planning Community. Listed as Goal 21 within the Lee Plan (Caloosahatchee Shores Community Plan), the intent for the area outlines the need to “Protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for

redevelopment, mixed use development and pedestrian safe environments.” The requested rezoning will reinforce this goal by promoting new residential development in an ideal location planned for growth. Additionally, and consistent with Policy 21.1.3, a rezoning to RPD is requested by this application. The requested RPD, through “appropriate conditions of approval,” will implement protection from inconsistent and incompatible urban development and ensure compatibility with the rural character through buffers and open space and a clustered development land use pattern.

TRANSPORTATION ELEMENT

A Traffic Impact Statement prepared by David Plummer & Associates is included in this submittal.

In summary, the study reveals that with or without the proposed rezoning request the resulting project will not:

- The proposed density increase is expected to generate 251, 381, and 3,538 more net new external trips during the AM peak hour, PM peak hour, and on a weekday, respectively, as compared to the development allowed under the current zoning;
- The proposed density increase has no significant and adverse impacts on County-maintained roadways
- The segment of SR 80 from SR 31 to Buckingham road is anticipated to operate at LOS F under future conditions with the current zoning and with the proposed amendment;
- The applicant will meet Lee County requirements regarding the payment of road impact fees at the time of development order application. Road impact fees can be used by Lee County to fund road or intersection improvements needed to support all area development as deemed necessary through the MPO LRTP process.
- The proposed amendment for the River Hall CPD/RPD does not trigger additional transportation infrastructure improvements beyond those identified in the Lee Plan.

Objectives 39.2, 39.6, and associated policies of the Transportation Element ensure coordination of land use development with planned transportation facilities appropriate for that area, resulting in increased mobility options and improving all modes of transportation. The concurrent rezone application will ensure consistency with Policy 39.2.2 by providing connectivity and accessibility via incorporating pedestrian, bicycle, and alternative modes other than motor vehicles, while ensuring connection to the adjacent public right-of-way (Palm Beach Blvd/SR 80).

Consistent with Policies 39.6.1, 39.6.2, and 39.6.3, the proposed River Hall development, at time of Development Order, will ensure all necessary traffic management infrastructure and pedestrian/bicycle connections are in place. Providing proper access both internally as well as externally to the planned shared use path/sidewalk along Palm Beach Blvd per Map 3-D and connection with the Pine Island – Hendry Trail per Map 4-E of the Lee Plan.

COMMUNITY FACILITIES & SERVICES ELEMENT

Potable Water - The Subject Property is currently located within the Lee County Utilities (LCU) service area based on the most recent Lee County Utilities Future Water Service Areas Map 4-A, dated November of 2021. The LCU Potable Water and Wastewater Availability Letter, dated August

31, 2021, indicates that potable water mains are in operation adjacent to the property and presently have sufficient capacity to service the 549 SF dwelling units proposed by this rezoning request.

In summary, LCU has sufficient potable water capacity to meet the needs of the requested rezoning based on consistency with Policies 53.1.2 and 95.1.3, and pursuant to the LOA and supporting data presented in the Existing and Future Conditions Analysis.

Sanitary Sewer - The Subject Property is located within the Lee County Utilities future sewer service area based on Lee Plan Map 4-B. The LCU Potable Water and Wastewater Availability Letter, dated August 31, 2021, indicates that sanitary sewer lines are in operation adjacent to the property and presently have sufficient capacity to service the 549 SF dwelling units proposed by the companion FLUM amendment and this rezoning request.

In summary, LCU has sufficient sanitary sewer capacity to meet the needs of the requested rezoning based on consistency with Policies 56.1.2 and 95.1.3, and pursuant to the LOA and supporting data presented in the Existing and Future Conditions Analysis.

Surface Water Management - The Subject Property is located within the South Florida Water Management District's (SFWMD) Tidal Caloosahatchee Basin. Lee Plan Map 5-D shows the property within the Olga Creek Watershed area. The River Hall RPD has a current surface water management system on site and a surface water management permit on file with the South Florida Water Management District. There are existing wetlands on site. The existing and proposed system meets the applicable County's LOS Standard, which is as follows per Lee Plan Policy 95.1.3.4:

Policy 95.1.3.4: *Stormwater Management Facilities LOS: The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map3-F) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.*

A modified storm water management system will be provided for the property and will benefit the public through clearly defining storm water treatment methods, establishing maintenance accountability, and providing runoff attenuation consistent with Objective 60.1 and Policy 60.1.1. Treated runoff from the developed site will discharge to adjacent tidal creeks and rivers. The Lee County Public Facilities 2020 LOS and Concurrency Report (2020 Report) indicates that all watersheds within the county were studied and concluded that no evacuation routes located within these watersheds are expected to be flooded for more than a 24-hour period. Per the 2020 Report, Lee County states that all new developments receiving approval from SFWMD and in compliance with appropriate standards will be deemed concurrent with the Lee Plan's surface water management level-of-service standards.

The proposed development will seek and obtain all applicable South Florida Water Management District approvals, as well as comply with all Florida Administrative Code Chapter 62-330 standards to ensure consistency with the stated LOS standards per Policy 95.1.3.4 of the Lee Plan. Additionally, through the utilization of clustered development, the proposed development will ensure preservation of existing waterways and wetland habitats consistent with Policy 60.1.2.

Objective 60.4 outlines the intent to incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water

storage, wildlife habitat, recreational opportunities, and visual relief. The proposed development will provide Florida Friendly Landscaping vegetation, retention/detention lakes, and preserved wetlands and conservation easements. It will also provide a surface water management system that will incorporate natural flow ways through utilization of the existing wetland systems, complying with policies 60.4.1, 60.4.2, and 60.4.3.

PARKS, RECREATION & OPEN SPACE

Pursuant to Section 10-415 of the LDC, the development is required to provide 40% open space with 50% of the required open space provided as indigenous native vegetation preserve areas. The clustered design and site layout of the proposed MCP allows a significant amount of land area to be provided for open space, meeting the LDC's requirements. These open spaces will encompass preserve areas, passive recreational areas, lakes, and buffers ensuring consistency with Goal 77 – requiring new development “to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.” Consistent with Policy 77.3.1, the development will provide more than half of the required 40% open space as existing native plant communities. Additionally, the project's clustered design incorporates “large, contiguous open space areas in the development design,” consistent with Policy 77.3.4. Additionally, the added 9.98 parcel will be preserved, adding to the provided open space of the overall development.

CONSERVATION & COASTAL MANAGEMENT ELEMENT

The Subject Property is not within the Coastal High Hazard Area or Coastal Building Zone, based on Lee Plan Map 5-A.

To ensure consistency with Goal 123 of the Lee Plan, an environmental assessment was conducted and a report by Passarella & Associates, Inc., dated October 2021 is included as part of this submittal (Exhibit M13). Consistent with Policies 123.1.5, 123.1.7, 123.2.2 and 123.2.4, the proposed clustered development provides designated preserve areas and conservation easements. These preserves/conservation easements protect high quality wetlands, plant communities, and indigenous uplands, while addressing restoration and management of non-indigenous/invasive areas of the property. In addition, the preserves/conservation easements located in the eastern portion of the River Hall Project abut a LAMSID Canal followed by Hickey Creek mitigation park (County owned conservation land), supporting “connectivity between public and private conservation and preservation efforts,” outlined in Policy 123.1.5. Consistent with the intent of Policies 123.2.8, 123.2.9, 123.2.10, and 123.2.11, the River Hall Project is subject to a long-term plan, as approved by Lee County, to provide management and maintenance of the preservation areas and be designed to protect the natural character of adjacent nature preserves.

Lee Plan Goal 124 provides language to ensure adequate maintenance and enforcement for any development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. Portions of the 9.98 acres added parcel contain wetlands, but no development is proposed in this parcel. As such, there will be no development related impacts to the River Hall Project's existing wetlands by the requested rezoning. The Project's provided wetlands and conservation areas will be reviewed for compliance with the Lee Plan during the rezoning process. The use of a cluster development pattern on the urban designated lands, included in this request, permits an increase in the Project's density without impacting the project's existing wetlands, preservation, and conservation areas. The development, as it moves through the permitting

process, will be reviewed by the South Florida Water Management District and as a result will be consistent with overall Goal 124, Objective 124.1, and Policies 124.1.1 and 124.1.2.

The proposed rezoning to the River Hall Project will be consistent with Lee Plan Goal 125, Objective 125.1, and Policies 125.1.2 and 125.1.3. The concurrent comprehensive plan map amendment and rezoning application review processes will ensure that water quality is maintained or improved through a comprehensive surface water management system, which will be modified if needed to support the additional 549 dwelling units. The proposed development will reduce nutrient loading and impacts to adjacent waterways; preserve high-quality wetlands; and eliminate the potential for hundreds of individual wells and septic systems by requiring connection to the adjacent potable water and sanitary sewer infrastructure.

HOUSING ELEMENT

Consistent with Goal 135, the proposed rezoning will help to provide adequate housing for existing and future residents of Lee County. The County's objective is to work with private and public housing providers to ensure the types, costs, and locations of housing are provided to meet the needs of the County's population, per Objective 135.1 of the Lee Plan. Southwest Florida is one of the state's leading in-migration areas with Fort Myers being among one of the fastest growing metro areas in the nation, based on data from the U.S. Census Bureau. The County's population is estimated to increase to approximately 900,000 by 2030 (8 years), pursuant to the University of Florida's BEBR Projections of Florida Population by County 2025-2045, and will need additional dwelling units to be provided in unincorporated Lee County to meet the needs of the County's existing and future residents. The proposed rezoning and companion comprehensive plan amendment will allow for up to 549 new housing units to help meet Goal 135 and the intent of Objective 135.1. The proposed rezoning and companion amendment are also consistent with Policy 135.1.9, which outlines the need to provide "a wide variety of allowable housing densities and types through the planned development process."

PLANNING COMMUNITY ACREAGE ALLOCATION – TABLE 1(b) ANALYSIS & EFFECT ON POPULATION

Lee Plan Policy 1.6.5 outlines, by reference Lee Plan Map 1-B and Table 1(b), the "proposed distribution, extent, and location of generalized land uses through the Plan's horizon." As discussed with Staff on February 1, 2022, there is adequate acreage within Table 1(b) at this time for the proposed River Hall CPA, companion to this rezoning request, which will be re-evaluated prior to development.

Lee County's population projections will not be impacted negatively by the proposed rezoning. There are 2.64 persons per household and an overall population of 618,754 (2010 Census) in Lee County, as estimated by the United States Census Bureau's Quick Facts database. The Subject Property under the proposed rezoning and concurrent map amendment, which caps density at 549 additional units, could accommodate approximately 1,449 additional persons (549 units x 2.64 persons per household).

Lee County's 2020 population estimate was 760,822 according to the United States Census Bureau QuickFacts. The County's 2030 projected population is 904,700 and 1,010,900 in the year 2040, according to the UFCLAS – Bureau of Economic and Business Research. Taking these projections into consideration, more than 50,000 dwelling units will be needed within the next 5 to 10 years, with over one third of those dwelling units needed in Unincorporated Lee County. The proposed rezoning and concurrent map amendment will provide 549

additional dwelling units that are compatible and complimentary to the surrounding community and support the future population growth in Lee County.

SANDSTONE AQUIFER

The use of the Sandstone aquifer at the project site is permitted under South Florida Water Management District Irrigation Water Use Permit No. 36-04006-W. The irrigation system is permitted with the supply derived from the lake system with groundwater from the Sandstone and Lower Hawthorn aquifers discharged to the lakes as recharge. The permit has a source limitation on the Sandstone aquifer and allocates a maximum monthly usage of 16.76 million gallons (MG) and an annual use of 203.67 MG from the aquifer.

During the application and review process of the permit prior to development, computer impact analyses were conducted to determine the allowable allocation to be derived from each source. As the Sandstone aquifer is also a source for nearby domestic use, the allocation from the aquifer was limited to volumes that computer modeling showed did not create adverse impacts to adjacent users and that met the applicable SFWMD permitting criteria.

With respect to the Sandstone aquifer and the requirements of the Lee Plan policy 60.1.1 (POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater), the permitted use of the aquifer is as an irrigation source that discharges to the surface water system to recharge the water withdrawn from the lake system. The specific use of the Sandstone aquifer and the surface water system is balanced as there is no net change in the water levels in the lake system resulting from use of the Sandstone aquifer as the recharge from the aquifer is replacing an equal volume withdrawn for irrigation. The Sandstone aquifer on site is a confined aquifer that is separated from the water-table aquifer/surface water system by an approximately 40 foot thick confining unit (District Publication WS-35) which limits interaction between zones. Therefore, the interaction between the surface water management system and the Sandstone aquifer is negligible and has no net positive or negative effect. No changes to the allocation or use of the Sandstone aquifer are proposed.

The Lee Plan's Goal 126: Water Resources is to "Conserve, manage, and protect the natural hydrologic systems of Lee County to ensure continued water resource availability." The use of the Sandstone aquifer on site meets this goal and the requirements of policy 126.1.2 (POLICY 126.1.2: Recognize and encourage water and wastewater management practices that do not exceed the natural assimilative capacity of the environment or applicable health standards. Conservation and Coastal Management VII-16 November 2021 Water and wastewater management includes, but is not limited to, aquifer recharge, aquifer storage and recovery, reuse water, reverse osmosis, dual water systems, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation and recycling techniques.).

As noted, the impacts of the use of the Sandstone aquifer had been evaluated during the SFWMD permitting process. Computer modeling conducted during the permitting process done in 2005 and 2006 (Application No. 050531-4) assessed the impacts of Sandstone aquifer withdrawals at the maximum monthly withdrawals of 16.76 MG. The District noted in the Staff Report prepared for the permit that modeling data were consistent with the criteria set forth in Subsection 3.1.2 of the SFWMD Applicant's Handbook. The aquifer parameters for the Sandstone aquifer modeling were obtained from onsite pump tests and aquifer parameters determined from the testing. Withdrawals of the recommended maximum monthly allocation were simulated for 90 days with no recharge. The purpose of the analysis was to simulate

withdrawals of the maximum monthly allocations during a 1-in-10 year drought scenario. The modeling results showed that the maximum drawdown as a result of the maximum monthly withdrawals from the Sandstone aquifer was 5.77 feet at a well node.

To assess the impacts on the regional Sandstone aquifer, a determination of the effect of the modeled drawdown on the Maximum Developable Limit (MDL) was undertaken. The assessment assumed a land surface elevation at the project site of approximately 13 feet NGVD. The top of the Sandstone in the vicinity of the site is approximately -50 feet NGVD (District Publication WS-35). The MDL, which is defined as water levels 20 feet above the top of the aquifer, is -30 feet NGVD. The lowest recorded water level in the Sandstone aquifer, obtained from USGS Monitor Well L-1975, located approximately 1.5 miles north of the site was 4.10 feet NGVD. The modeling results submitted under Application 050531-4 show a drawdown of approximately 5.8 feet in the aquifer at the project's wells as a result of the withdrawal of the permitted allocation, leaving approximately 28 feet of head above the MDL. Therefore, the potential for harm to occur to water resource availability of the Sandstone aquifer as a result of the withdrawal of the recommended allocation was considered minimal.

To assess the water levels in the Sandstone aquifer on site, two monitor wells were constructed in June 2019 at the northern and southern property boundaries (Figure 1). Monitoring data have shown that the minimum level in the aquifer on site during the period of record occurred in April 2021 at the northern monitor well location. The minimum level recorded was -2.43 feet NAVD (approximately -1.23 feet NGVD). The minimum recorded level was greater than 28 feet above the MDL.

The site is currently utilizing onsite resources to supply the irrigation demands of the project. The use of reclaimed water as an irrigation source has been investigated with Lee County Utilities. A July 2021 letter (River Hall Reuse 07-16-21) from Nathan Beal, Utilities Planning Manager, indicates that the Utility does not have the capability to supply reuse water to the site. The use of reclaimed water as an irrigation source will be considered for use in the future as it becomes available.

The project uses best management practices to limit unnecessary irrigation including the use of xeriscaping principles, soil moisture sensors, rain gauges, monitoring of site conditions by qualified onsite personnel, and employs the use of calibrated totalizing flow meters on all withdrawal sources. The project limits water usage to mandated irrigation schedules and watering restrictions. In addition, all irrigation measures comply with the mandatory year-round landscape measures for Lee, Charlotte, and Collier Counties, per Chapter 40E-24, F.A.C. A compliance monitoring program is currently in place to monitor water levels and water quality within the source aquifers and the lake system.