



**PUBLIC SAFETY  
EMERGENCY MANAGEMENT PROGRAM  
M E M O R A N D U M**

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**To: David Saniter**  
**From: Gerald Campbell**  
**Date: December 16, 2005**  
**Subject: Proposal for 412 dwelling units at the I-75 and State Road 80 Interchange**

At the request of Community Development, Emergency Management evaluated the public safety impact of adding 412 units in the river area of I-75 and SR-80. The area North of SR-80 is located in the Coastal High Hazard Area. West of I-75 is a Tropical Storm Evacuation Zone and East of I-75 is a Category One Evacuation Zone.

Using current planning assumptions, 412 dwelling units will require 190 new shelter spaces and add 453 new vehicles to the area. Based strictly added vehicles this could add up to 10 minutes to evacuation times for SR-80 (LOS-D at 2740 vehicles per hour). The true effect could be greater due to circumstances and behaviors of evacuees. Additionally SR-80 currently appears to be at or near capacity for D Level of Service, although this should be verified through DOT.

This project seems to be in direct conflict with Goal 105 (PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS) Policy 105.1.4.

***POLICY 105.1.4:** Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding.*

Additionally this project seems to conflict in spirit, if not in letter, with Goal 109 (Evacuation and Shelter) and Goal 110 (Hazard Mitigation) of the Lee Plan.

For these reasons, Emergency Management advises that increased development not be approved in this area.



**LEE COUNTY ORDINANCE NO. 05-20**  
**(I-75 and S.R. 80 Interchange)**  
**(CPA2004-13)**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2004-13 (PERTAINING TO I-75 AND S.R. 80 INTERCHANGE) APPROVED DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE FUTURE LAND USE MAP; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and Lee County Administrative Code on April 25, 2005, and May 23, 2005; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 1, 2005. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2004-13 pertaining to the I-75 and S.R. 80 Interchange to the Florida Department of Community Affairs ("DCA") for review and comment; and,



WHEREAS, at the June 1, 2005 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC Report on August 19, 2005; and,

WHEREAS, at a public hearing on October 12, 2005, the Board moved to adopt the proposed amendment to the Lee Plan more particularly set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2004/2005 Regular Comprehensive Plan Amendment Cycle CPA2004-13 I-75 and S.R. 80 Interchange Ordinance."**

**SECTION TWO: ADOPTION OF LEE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE**

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board of County Commissioners on October 12, 2005, known as CPA2004-13. CPA2004-13 amends the Plan to:



Amend the Future Land Use Map designations of Map 1 for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

### SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

### SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to



"section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Albion, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Nay
Tammy Hall	Aye
John Albion	Aye



DONE AND ADOPTED this 12th day of October 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Anna S. Perice*  
Deputy Clerk

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: *[Signature]*  
Chairman

DATE: 10/12/05

Approved as to form by:

*Donna Marie Collins*  
Donna Marie Collins  
County Attorney's Office





**CPA 2004-13  
I-75 and S.R. 80 Interchange  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**BoCC Adoption Document**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
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(239) 479-8585*

**October 12, 2005**



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-13**

✓	<b>This Document Contains the Following Reviews:</b>
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 18, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. STAFF RECOMMENDATION:** Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area from Intensive Development, Suburban, and Urban Community to General Commercial Interchange as depicted on Attachment 1.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The proposed land use change will not cause future road network plan changes to the 2020 Transportation Plan.



- There will be no increase in the population accommodation capacity of the FLUM. The proposed amendment will result in a population capacity reduction of 755 persons.
- The presence of I-75 has increased the number of interchange type uses mixing with established residential uses.
- The proposal will result in minimal impacts to public infrastructure and services. The proposal will in fact lower the demands on public infrastructure and services

### **C. BACKGROUND INFORMATION**

The Board of County Commissioners initiated the proposed amendment on March 22, 2005 and directed Planning staff to evaluate the future land use designations of the Interstate 75 and State Road 80 interchange quadrants, specifically the northeast quadrant and both the southeast and southwest quadrants. The study area, including the Existing Future Land Use designations of the area, are shown as Attachment 2.

Planning staff previously evaluated the southwest quadrant of this interchange area. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board voted to revisit this proposed amendment in a future amendment cycle. At that hearing, it was recommended that the analysis be broadened to include all four quadrants of the I-75 and S.R. 80 interchange.

Initiating the amendment into the current cycle allows staff to review the future land use designations for the interchange area and properly balance existing and future land use designations in this area. At the time the subject amendment was initiated staff specified the three quadrants noted above, recognizing that the future land use designations of the northwest quadrant are appropriate as they exist today. Existing land uses in the northwest quadrant include the Morse Shores single family subdivision, designated Suburban a primarily residential land use category, and commercial uses fronting S.R. 80, designated Intensive Development.

Staff began evaluating the amendment by creating three possible alternatives for the study area to bring forward to the Local Planning Agency (LPA) for discussion purposes. The alternatives discussed involved the possibilities of amending the entire northeast quadrant to Urban Community, Central Urban, or changing the designation of the existing neighborhood to Suburban and leaving the General Commercial Interchange category in place in the remainder of the quadrant. Only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange category. This remains the staff recommendation today. Alternatives discussed for the southeast quadrant involved Central Urban for the entire quadrant, the General Commercial Interchange category being proposed for the area today, or leaving the existing designations in place. At the LPA meeting, the members voted to recommend an alternative amending the entire northeast quadrant to the Urban Community category, a portion of the southwest quadrant to General Commercial Interchange as recommended by this report, and leaving the existing designations in place in the southeast quadrant. The LPA preferred this alternative based on their previous recommendation involving a privately initiated small scale amendment in the northeast quadrant. Previously the LPA recommended that the 10 acres involved in this request be amended to Urban Community.



After further review and based on the Board of County Commissioner's review of the recently proposed small scale amendment in the northeast quadrant of the interchange, staff has concluded that the future land use designations of the northeast quadrant are appropriate as they exist today. Further discussion is provided throughout the following analysis.

This report discusses the subject interchange area being evaluated as the study area. The study area encompasses approximately 124 acres. Of the 124 acres being evaluated, staff is recommending a future land use map amendment to approximately 39 acres in the southwest and southeast quadrants of the interchange. Staff is proposing that the 39 acres be amended to General Commercial Interchange as shown on Attachment 1. A little over half of the proposed change amends the future land use category covering the right-of-way areas of I-75 and State Road 80, leaving approximately 18 acres of developable land being amended. The impacts of amending the 18 acres of developable land for possible residential or commercial development are being addressed through this report, comparing existing future land use categories vs proposed. Staff has estimated, as a worst case, that the area being amended would qualify for the following based on the existing and proposed land use categories. Although the areas are already developed, staff estimates the following if redevelopment were to occur. All density calculations include bonus density and half of the adjacent right of way in order to provide the maximum scenario for evaluation. Please note that the northwest category is not included below, due to staff's recommendation that the General Commercial Interchange category remain in place.

	<b>Southwest Quadrant</b>	<b>Southeast Quadrant</b>
Existing Land Use Category	Suburban and Intensive Development	Urban Community
Possible unit or commercial development	100,000 s.f. commercial <b>or</b> 295 dwelling units	50,000 s.f commercial <b>or</b> 67 dwelling units
Proposed Land Use Category	General Commercial Interchange	General Commercial Interchange
Possible unit or commercial development	130,000 s.f. commercial 0 dwelling units	50,000 s.f. commercial 0 dwelling units

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, all three quadrants were depicted as General Commercial Interchange



and a small area in the southwest quadrant was depicted as Central Urban. As part of an overall review of the future land use map in 1989, the eastern portion of the southeast quadrant was changed from General Commercial Interchange to Urban Community. This remains the future land use category for this portion of the quadrant today. Later in 1989 Lee County formulated a comprehensive plan in order to meet the requirements of the 1985 Growth Management Act. At that time the newly formulated comprehensive plan was objected to by the Department of Community Affairs. In part, the Department of Community Affairs found that Lee County future land use categories should more closely correspond with the adopted future land use maps of the cities of Fort Myers and Cape Coral. The subject area was located within the Urban Reserve Area of Fort Myers which at that time was included on their future land use map. Lee County entered into a settlement agreement with the Department of Community Affairs and through this agreement amended the future land use designations of the southwest quadrant to the current FLUM designations for the area today.

### **CURRENT FLUM DESIGNATIONS FOR SUBJECT INTERCHANGE QUADRANT**

Current Lee Plan Future Land Use categories for the subject area are as follows (see Attachment 2):

Future Land Use categories in the northeast quadrant are General Commercial Interchange and Central Urban. The categories in the southeast quadrant include General Commercial Interchange and Urban Community.

***POLICY 1.3.3: The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.***

***POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)***

***POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6***



du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Future Land Use categories in the southwest quadrant include Intensive Development and Suburban.

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6) and office uses are appropriate in these locations. As Lee County moves toward becoming a metropolitan complex of a half million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).

**POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

## EXISTING LAND USES

The subject area lies in Section 3 Township 44 South, Range 25 East and Section 34 Township 43 South, Range 25 East and is located in the northeast quadrant and both the southeast and southwest quadrants of the State Road 80 and Interstate 75 Interchange. This area is bordered by the Orange River (east of the interstate) and S.R. 80 (west of the interstate) to the north, both the Siesta and the Sun-n-Fun mobile home subdivisions to the east, vacant land and condominium development to the south, and single family residential uses to the west. I-75 extends north/south and S.R. 80 east/west through the subject area.

The study area encompasses approximately 124 acres total, accommodating a variety of uses including residential, commercial, marina, and vacant land uses. The following is a summary of land uses existing within the study area of each interchange quadrant.

Quadrant	Existing Uses	Future Land Use Designation
Northeast	Single Family Subdivision and Marina	General Commercial Interchange
Southwest	Commercial RV Sales and Single Family	Intensive Development and Suburban
Southeast	Restaurants, Hotel, Gas Stations, and Single Family	General Commercial Interchange and Urban Community

The current zoning designations for the subject area are RS-1, AG-2, IM, and CM in the northeast quadrant, CPD, CG, and RS-1 in the southwest quadrant, and CPD and AG-2 in the southeast quadrant.



Surrounding zoning designations include RS-1 and AG-2 to the north, MH-1 and MH-2 to the east, AG-2 to the south and RS-1 and C-1 to the west.

## **TRANSPORTATION**

Lee County Department of Transportation (DOT) staff have reviewed the proposal and provided written comments dated May 17, 2005 (see Attachment 3). DOT offers no objection to the proposed change and have provided that "Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans."

DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion. Specific improvements (such as turning lanes) that are needed as a result of proposed development in this area will be determined through the local development order process. Providing identified improvements are the responsibility of the developer. For example, if the proposed project generates the need for turning lanes, then the developer is required to provide the turning lane at no expense to the public.

## **POTABLE WATER, SANITARY SEWER SERVICE AND SOLID WASTE**

The current condition of potable water service and sanitary sewer service in the area is discussed below:

Potable Water Service: The water system in the southwest quadrant is already in place; there are no plans for installing any major new transmission lines. The Corkscrew Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is an 8" and 6" water main on Orange River Boulevard, an 8" water main on Lexington Avenue, and a 20" water main on the north side of State Road 80 serving the area. The water system is already in place in the southeast quadrant as well and there are no plans for installing any major new transmission lines. The Olga Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is a 10" water main on Boatways Road, a 6" and 12" water main on Orange River Boulevard, and a 20" water main on the north side of State Road 80 serving the area. As new projects request service from Lee County Utilities, they are required by the Lee County Utilities Operation Manual to submit extensive hydraulic calculations for review and approval showing what impact, if any, a new project may have on existing facilities. If warranted, the new project will be required to either loop "dead end" mains or perform off-site improvements to enhance flows and, therefore, provide adequate water infrastructure to support development.

Sanitary Sewer Service: There are presently 24" and 8" sanitary sewer force mains on the north side of S.R. 80. In the southwest quadrant Lee County Utilities has 8" gravity sewer mains on Orange River Boulevard, Lexington Avenue, and Richmond Avenue. In the southeast quadrant Lee County Utilities has an 8" gravity sewer main and a lift station on Boatways Road. Lee County Utilities also has a 4" sanitary sewer force main on Boatways Road and a 12" force main on Orange River Boulevard. As with the water network, new developments are required to submit extensive hydraulic calculations for review and approval showing what impacts the new project may have on existing facilities. If warranted the developer may need to perform off-site improvements to enhance flows and provide adequate sanitary sewer infrastructure to support the development. The subject area is served by the City of Fort Myers



Central Wastewater Treatment Plant via an inter-local agreement and, to date, has sufficient reserved capacity.

### **POPULATION ACCOMMODATION ANALYSIS**

The request is to change the Future Land Use Map (FLUM) category of approximately 39 acres from Intensive Development, Urban Community, and Suburban to General Commercial Interchange. Currently, the Lee Plan does not permit residential development in General Commercial Interchange areas.

The Intensive Development maximum density permits up to 22 du/acre. There are approximately 6.4 acres designated Intensive Development within the southwest quadrant. This means that a maximum of 140 dwelling units could be constructed on the property under the Intensive Development designation. Planning staff, however, believes that residential development fronting this portion of S.R. 80 is unlikely. This Intensive Development area accommodates 292 persons on the FLUM (140 du's X 2.09 persons per unit).

The Urban Community maximum density permits up to 10 du/acre. There are approximately 6.71 acres designated Urban Community within the southeast quadrant. This means that a maximum of 67 dwelling units could be constructed on the property under the Urban Community designation. Planning staff, however, believes that residential development adjacent to existing interchange type uses is unlikely. This Urban Community area accommodates 140 persons on the FLUM (67 du's X 2.09 persons per unit).

The Suburban category standard density permits up to 6 du/acre. There are approximately 25.85 acres designated Suburban within the southwest quadrant. A maximum of 155 dwelling units could be constructed on the property under the Suburban designation. This equates to a population accommodation capacity of the FLUM of 323 persons (155 du's X 2.09 persons per unit).

As mentioned above the Lee Plan does not permit residential development in General Commercial Interchange designations and therefore the proposal will not be increasing the population accommodation capacity of the FLUM. In fact, the amendment would result in a population capacity reduction of 755 persons.

### **PARKS, RECREATION AND OPEN SPACE**

Staff of the Lee County Public Works have reviewed the request and provided comments dated May 11, 2005 (see Attachment 4). Public Works staff provides the following:

*"It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."*

### **LEE COUNTY SCHOOL DISTRICT EVALUATION**

Planning staff requested that the Lee County School District evaluate the proposed redesignation and determine the adequacy of existing and future facilities to provide services to the subject area. Staff of the School District of Lee County have contacted Planning staff and provided that the proposed changes "will have no impact on the School District of Lee County."



## **SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified two soil types present on the subject parcel - 11 Myakka fine sand in all three quadrants, and 28 Immokalee sand in the northeast quadrant. The Soil Survey provides the following:

*11 - Myakka fine sand. This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.*

*28 - Immokalee sand. This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.*

## **LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)**

The subject area is located within the "Fort Myers Shores" planning community. Table 1(b) allocates a total of 257 acres for commercial use in this Planning Community. Recent planning division research indicates that 243 acres of commercial development in the "Fort Myers Shores" planning community have been developed. This research indicates that 14 additional acres can be developed for commercial use in the planning community before the year 2020. While the subject amendment consists of approximately 39 acres, as mentioned earlier in the report over half of the proposed change amends the future land use category covering right-of-way areas, leaving approximately 18 acres of developable land being amended. While the current proposal exceeds the commercial allocation by 4 additional acres, staff recognizes that these allocations will be being revised out to the year 2030 as part of the upcoming EAR based amendments. Staff assumes that there will be more commercial uses within this planning community in the future and will be addressed as part of the allocations for 2030.

## **DISCUSSION CONCERNING THE SUBJECT AREA:**

After evaluating several alternatives and discussing various development scenarios associated with each, staff recommends that the subject interchange area be amended as proposed in Attachment 1. The following is a discussion of each quadrant in the study area:

### **Northeast Quadrant**

The northeast quadrant is currently developed with the Dos Rios single family residential subdivision adjacent to I-75 to the west and marina uses to the east. The study area covers approximately 48.61 acres and is designated General Commercial Interchange with a small portion of the area designated Central Urban in the northwest corner of the quadrant.

A 10 acre portion of the existing marina within this quadrant was recently reviewed as a privately initiated small scale amendment. The applicant proposed to amend the area from the General Commercial Interchange category to the Urban Community land use category. Staff recommended denial of the proposed amendment due to the subject site's location within the Coastal High Hazard Area (CHHA) and inconsistencies with several Lee Plan policies addressing residential development in the CHHA. At the adoption hearing for the proposed amendment the majority of the Board agreed with staff's recommendation and voted not to adopt the proposed amendment. At the hearing the Board discussed the importance of maintaining the County's interchange areas for interchange type uses serving the traveling



public. Staff specifically cited Lee Plan policies found under Goal 75 and 76 that prohibit residential development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. The specific Lee Plan policies are reproduced below:

**GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** *To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)*

**OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.** *Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

**POLICY 75.1.4:** *Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

**GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.** *To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)*

**OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES.** *Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*

Upon staff's evaluation of the entire interchange and in regards to the northeast quadrant specifically, staff finds that the subject quadrant is located in the CHHA as depicted by Map 5 of the Lee Plan. Lee plan Policy 75.1.4 specifies that areas within the CHHA will be considered for reduced densities to limit the population to coastal flooding.

It is also necessary to compare the possibilities that the existing land use category allows as it specifically relates to commercial type uses with other options that would allow residential development in this quadrant. As mentioned, the area of this quadrant is approximately 48.61 acres and includes the right-of-way area of I-75 and S.R. 80. Of this total acreage figure, approximately 33 acres equate to parcel acres. Generally speaking, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. If the existing subdivision in this quadrant were excluded from this calculation the remaining area would qualify for approximately 218,500 s.f. of commercial development. Comparing this to the possibility of amending the quadrant to a residential land use category staff is using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. These two categories were presented to the LPA for discussion purposes, as well as Urban Community for a middle range. Staff estimate that if the area were placed in the Suburban category (6 units/acre) potentially 234 units could be developed, or 131 units when excluding the existing subdivision. Staff estimate that if the area were placed in the Central Urban category (15 units/acre including bonus density) potentially 495 units could be developed, or 327 units when excluding the existing subdivision.



In addition another factor to be considered while evaluating this quadrant, as was discussed and considered at the adoption hearing for the referenced small scale amendment, is the basic importance of the existing interchange land use categories in Lee County. Reports discussing interstate interchange land use during the drafting of the 1984 Lee Plan described the completion of Interstate 75 through Lee County creating unique development opportunities at the eight interchanges and the arterials leading to them. Discussions also provided that land configurations resulting in the intermixing of local and interstate travel should be discouraged.

Objective 1.3 of the Lee Plan describes the interstate highway interchange areas as specialized categories for land adjacent to the interchanges of I-75. The objective emphasizes the importance of making beneficial use of these critical access points while avoiding conflicts between competing demands. It also states that development in these areas must minimize adverse traffic impacts such as the mixing of local traffic with through traffic. Staff recognizes that the existing neighborhood in this quadrant could be considered inconsistent with this Objective of the plan, yet staff also recognizes that this subdivision existed prior to the construction of I-75 through this area as well as prior to the 1984 Future Land Use Map.

An important aspect in the evaluation of this quadrant is the fact that there are existing residential uses currently in the General Commercial Interchange category where new residential development is not permitted, except in accordance with Chapter XIII of the Lee Plan. Staff has determined that the most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan due to the fact that the lots within the subdivision were created prior to the Lee Plan's effective date. In fact, in 2003, a lot within the subject area received a favorable interpretation of these provisions for the construction of a dwelling unit.

In light of the factors discussed, staff has concluded that amending this quadrant to a land use category allowing future residential development has the potential to significantly increase the mixing of local traffic with through traffic as well as increasing density in the CHHA. By leaving the quadrant designated General Commercial Interchange will result in minimal impacts to public infrastructure and services. For these reasons staff does not recommend an amendment to the existing future land use categories of the northeast quadrant.

### **Southwest Quadrant**

The southwest quadrant of the study area is currently developed with the North Trail RV center adjacent to I-75 and fronting S.R.80 and single family residential to the west. The study area covers approximately 48.61 acres and is designated Suburban with a small portion of the area fronting S.R. 80 designated Intensive Development. There are nearly two dozen single family homes in existence in the subject area west of the RV sales center.

This quadrant of the interchange was the subject of the previous review in 2000. During the previous review of this area and after much discussion with the with the Community Redevelopment Agency in existence at the time and the Local State Road 80 Advisory Board staff evaluated the possibility of changing the entire quadrant to the General Commercial Interchange land use category. Several issues lead



to the continuance of the amendment. At the time, as is the situation today, there were no plans for development or land assembly for the residential area. Another issue involved the School District's concern over the signalization at Lexington Avenue and State Road 80 where commercial traffic that could be generated by the proposed amendment would be sharing the same access (Lexington Avenue) that the buses use for the Orange River Elementary School turnaround causing a mixing of traffic. The Department of Community Affairs also provided objections requesting further analysis of traffic impacts and the maximum development allowed in this area. With no public outcry for the proposed amendment at the time, staff reevaluated the recommendation to amend the southwest quadrant to the interchange category and concluded that an evaluation of the entire interchange would be more beneficial for the area as a whole. Staff finds the existing land uses of this quadrant have remained intact since the time of the previous review. There have been no plans for development or land assembly for the residential area and no public requests for a change to the area.

Staff has concluded that the area developed with the North Trail RV center is the portion of this quadrant best suited for a land use change reflecting the existing use of the property. Considering the commercial use of the property and its location adjacent to I-75, staff finds the General Commercial Interchange future land use category the most appropriate land use category for the area. The commercial sale of recreational vehicles on a scale of this size (approximately 12 acres) potentially could be considered a regional use with customers coming from other areas for the product, as well as the consideration of the employment opportunities that the center provides to the local area. This type of use coincides with the intent of Objective 1.3, Interstate Highway Interchange Areas, promoting the beneficial use of these critical access points adjacent to the interchanges of I-75. Staff has met with the owners and representatives of the North Trail RV center discussing staff's proposal to amend the subject area and the impacts of amending the area from Suburban, a primarily residential future land use category, to the General Commercial Interchange category. The owners of the center understand the proposed change and have expressed their support of the amendment to the interchange category, reflecting the existing use of the property.

Staff recommends amending approximately 32.25 acres of the southwest quadrant from the Suburban and Intensive Development future land use categories to the General Commercial Interchange land use category. This area encompasses the RV center and portions of the S.R. 80 and I-75 right-of-way currently in the Suburban land use category.

### **Southeast Quadrant**

The southeast quadrant of the study area is currently developed with two restaurants, two gas stations, and a hotel as well as four single family homes in the southern portion of the area along Orange River Boulevard. The study area covers approximately 30.68 acres and is designated General Commercial Interchange and Urban Community. The Urban Community portion of quadrant covers the eastern edge of the study area.

Staff has determined that the existing General Commercial Interchange future land use designation is appropriate for the area and proposes to amend a majority of the Urban Community designation in this quadrant to the General Commercial Interchange land use category. Most of the area is currently zoned Commercial Planned Development (CPD) covering the interchange type uses existing today. The General Commercial Interchange category encompasses the western portion of this area covering half of the CPD



and three of the four homes to the south. Staff is proposing to amend the entire western portion of the area, with the exception of one single family parcel, from Urban Community to General Commercial Interchange, allowing the change to reflect the existing uses in this quadrant today.

Seven lots exist in the southern portion of the area and as mentioned previously, four of the lots contain single family homes. The remaining lots remain vacant. The single family lot in the southeast corner of the study area is currently designated Urban Community, while the remainder of the lots are designated General Commercial Interchange. The Urban Community land use category in place on the residential parcel in the southeast corner permits a density range of one to six dwelling units per acre on the 1.14 acre lot, with up to 10 units per acre including bonus density. Amending the lot to the interchange land use category could be detrimental to the property owner by removing the allowable density assigned to the property. Leaving the current land use designation in place continues the opportunity for residential development of the lot, yet does not preclude the owner from requesting an extension of interchange type uses per Policy 6.1.2.6 of the Lee Plan. This policy is reproduced below:

*Policy 6.1.2.6 Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.*

In light of this policy, staff has concluded that the owner would have the option of extending the interchange uses, leaving the current land use designation in place. Leaving the designation in place would not take the existing residential density away from the subject parcel while leaving the possibility of extending the adjacent interchange uses.

Staff has also considered the three existing residential units in the southern portion of the area within the General Commercial Interchange land use category and have made similar conclusions. While the units and the vacant lots are currently in a land use category that does not permit residential uses, staff has concluded that most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan, as would the lots in the northeast quadrant of the study area. Staff has concluded that leaving the residential lots in the existing land use designations would be the most appropriate action, where residential uses on the lots as they are configured today are not being removed from the properties and interchange uses are a valid option for those particular land owners as well.

Staff recommends amending approximately 6.71 acres of the southeast quadrant from the Urban Community future land use category to the General Commercial Interchange land use category. This area encompasses CPD zoning where a gas station and hotel exist.



## **B. CONCLUSIONS**

Through the subject plan amendment proposal, staff has attempted to balance the existing and future land use designations of the area with a proposal that results in minimal impacts to existing residential uses while recognizing the value of preserving interchange areas for interchange type uses serving the traveling public as well as providing diversity and regional opportunities within the interchange areas of the County.

Planning staff proposes amending approximately 39 acres from the Intensive Development, Suburban, and Urban Community future land use categories to the General Commercial Interchange land use category in the interchange area of S.R. 80 and I-75. Staff recognizes that this is a unique interchange area and the routing of I-75 through existing platted neighborhoods has had a negative impact. The presence of I-75 has increased the number of interchange type uses mixing with established residential uses. Examples of this mixing of uses can be seen in the north-east and south-east quadrants of the interchange where residential uses are within General Commercial Interchange designations as well as the southwest quadrant where a regional interchange type use has been developed adjacent to the interstate to the east and adjacent to existing residential uses to the west. Additionally, typical interchange uses have been developed in the Urban Community area in the southeast quadrant of the interchange.

Staff concludes that the proposal will result in minimal impacts to public infrastructure and services. If the amendment is approved allowable density would decrease given that the General commercial interchange future land use category does not allocate for residential units. The proposal will in fact lower the demands on public infrastructure and services eventually if the proposed amendment is adopted because the General Commercial Interchange areas are intended for commercial uses without any residential uses. There will be no increase in the population accommodation capacity of the FLUM.

## **C. STAFF RECOMMENDATION**

Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area to General Commercial Interchange. Planning staff recommends that the Lee Plan Future Land Use Map, Map 1, be amended as depicted on Attachment 1.



### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF LPA PUBLIC HEARING: May 23, 2005

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided a brief summary of the proposed plan amendment and explained staff's recommendation for the subject area. Staff concluded that the proposed amendment would decrease the allowable density in the subject areas, lowering the demands on public infrastructure and services. One member of the LPA asked why staff was recommending commercial uses next to residential uses in the northeast quadrant. Staff explained that through this analysis staff does not recommend making any changes to the northeast quadrant. Staff explained that the designations for this quadrant have been in place since the establishment of the 1984 Lee Plan and any commercial development would be required to comply with buffering and setback requirements as required by the Land Development Code.

Several members of the public addressed the LPA regarding the northeast quadrant of the interchange area. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the LPA and the Board of County Commissioners. This member of the public disagreed with staff's recommendation and noted that they felt that an interchange future land use category in this quadrant would allow inappropriate commercial uses. This member of the public described that through the small scale amendment request they felt that the Urban Community designation for this quadrant was a compromise. This member of the public stated that evacuation would not be an issue due to the location of the quadrant and that the area is not a destination for tourist travel.

Another member of the public addressed the LPA stating that they live in the northwest quadrant of the interchange and are in a similar situation. This person stated that there are other interchange quadrants better suited for uses serving the traveling public. They also noted that the property in the northeast quadrant contains oak trees and palm trees and is not suited for commercial businesses and parking lots. They felt that the Central Urban designation would be too high for this area leaving Urban Community the best designation for the property. This member also mentioned that their home in the northwest quadrant has never flooded or been evacuated and that the development proposed through the previous small scale amendment request would improve the community compared to the existing commercial uses along S.R. 80.

Another member of the public noted that they are a member of the Morse Shores Civic Association and stated that the existing land use category in the northeast quadrant would appear to increase traffic, rather than decrease traffic. They felt that there are a sufficient amount of gas stations in the area and that the uses planned through the previous small scale amendment would be more compatible.

Another member of the public stated the northeast quadrant is a very prestigious and indigenous site this close to the interchange and would prefer that the area be amended to the Central Urban future land use category.



Another member of the Morse Shores Civic Association stated that the northeast quadrant was not meant for big box stores and supported an amendment to the Urban Community future and use category in this area.

Several of the LPA members provided discussion concerning the proposed amendment. One member of the LPA noted that they have seen no changes since the previous discussions held before the LPA and find that the northeast quadrant is an ideal area for the type of residential development being discussed. Another member agreed. One member found the amendment proposed by staff consistent. Another member had concerns with commercial uses next to existing residential uses. A motion was made to amend the future land use map to include staff's proposal for the southern quadrants and to amend the northeast quadrant to the Urban Community future land use category. The motion carried 3 to 2.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The LPA recommended an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category based on the LPA's previous discussions and recommendations for the interchange area.

**C. VOTE:**

NOEL ANDRESS	_____ AYE
MATT BIXLER	_____ NAY
DEREK BURR	_____ NAY
RONALD INGE	_____ AYE
CARLETON RYFFEL	_____ AYE
FRED SCHILFFARTH	_____ ABSENT
RAYMOND SCHUMANN	_____ ABSENT



**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:** Planning staff provided a summary of the proposed plan amendment and updated the Board with the LPA's recommendation for the interchange area. Staff concluded that the amendment, as proposed by staff, would decrease the allowable density in the subject areas and reflect the existing uses of the area.

Several members of the public addressed the Board regarding the northeast quadrant of the interchange area. A majority of the public who spoke were also in attendance at the LPA public hearing. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the Board. The representative noted that the General Commercial Interchange land use category is intended for shopping centers. They discussed that the interchanges should be evaluated on a quadrant by quadrant basis and that the CHHA is not an issue given the location of the amendment. The representative requested that the Board consider amending the northeast quadrant from General Commercial Interchange to Central Urban.

Another member of the public also representing this applicant spoke, describing the other interchanges in the County and pointed out that the northeast quadrant of the subject interchange is the only interchange area in the County that contains water front property such as this. They felt that Central Urban is the best designation for this quadrant.

Another member of the public addressed the Board. This member stated that they have lived in the northwest quadrant of the interchange area for the past 15 years and came to speak regarding the northeast quadrant. They felt that the CHHA is a general classification and history and past experience is a better guide and noted that their house has never been flooded. This member preferred to see other interchanges serve the traveling public. They also stated that this area is not part of the commercial node of the Caloosahatchee Shores Community Plan and supported a map amendment for the northeast quadrant to Central Urban.

Another member of the public from the Sun-N-Fun mobile home park adjacent to the southeast quadrant spoke stating that they were concerned about the impacts of the northeast quadrant and find that the development that the applicant for the previous small scale amendment had planned for the area is good. They stated that they preferred a map amendment to the northeast quadrant amending the area to the Central Urban land use category.

Another representative of the previously reviewed small scale amendment spoke to address the northeast quadrant. They stated that they were concerned by the denial of the small scale amendment and that they endorsed Central Urban in the northeast quadrant while others from the area preferred Urban Community with a lower density. The representative handed out a map with their recommendation for the interchange area consisting of General Commercial Interchange in the southern quadrants and Central Urban in the northeast. The representative read a letter into the record from the secretary of the Morse Shores Civic Association supporting an Urban Community redesignation for the northeast quadrant. The representative



stated that if the area was amended to Urban Community the applicant would have to use bonus density to achieve the 10 units per acre that they have envisioned and would prefer to amend the northeast quadrant to Central Urban to achieve this density without utilizing bonus density.

One member of the public from the Dos Rios subdivision in the northeast quadrant of the interchange addressed the Board. They stated that it is their intent to preserve the community. This member of the public passed out photos of past flooding in the area and noted that the applicant for the small scale amendment would be adding more docks than exist in the subject area today. They also stated that the pump station in this quadrant has overflowed and flooded the adjacent marina property. They added that the site contains hazardous waste and urged that whatever was done with the adjacent property that the contamination is removed.

The final member of the public to address the Board stated that they are the owner of the marina property in the northeast quadrant, part of which was the subject of the small scale amendment. They stated that the previous speaker was not stating the truth regarding their property and hoped that the Board would allow the proposal as presented through the small scale amendment. The owner stated that it would be an asset to the community.

One Board member had a question regarding the concerns of a conflict between local traffic and interstate traffic. Staff clarified that this discussion was made in the background information of the staff report and that in 1984 when the interchange land use categories were put in place, the intent was to prevent the mixing of local traffic with through traffic.

One member of the Board made a motion to transmit the proposed amendment with the LPA's recommendation that the northeast quadrant be amended to the Urban Community future land use category. Another member seconded the motion for discussion stating that this is a unique interchange and needs to be preserved in a special way. Another member questioned whether or not this motion would be in violation of the policy in the Lee Plan calling for reduced density in the CHHA. They noted that there are merits on both sides yet the comprehensive plan is clear. It is an interchange where you would cater to through traffic. They stated that a commercial planned development could be done in this quadrant preserving vegetation and protecting existing residents. This member found that the interchange area is to service the traveling public. Another Board member noted the uniqueness of the subject interchange and it is worth sending to the Department of Community Affairs for comment. The member who questioned the motion and its consistency with the comprehensive plan asked legal staff how the comprehensive plan policy involving reduced density in the CHHA pertains to the amendment as moved to transmit. The staff responded that the policy says to consider these areas for reduced densities, not that you must reduce densities. The motion to transmit carried 4 to 1.

## **B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board voted to transmit the proposed map amendment to the DCA, including the LPA's recommendation for the northeast quadrant.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The Board



also accepted the LPA's recommendation for an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>TAMMY HALL</b>	<b>AYE</b>
<b>BOB JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>NAY</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

**D. STAFF DISCUSSION:**

Following the Board's recommendation at the transmittal hearing staff is providing further analysis regarding the northeast quadrant of the interchange. Per the Board's action, approximately 41.28 acres are being amended in the northeast quadrant from General Commercial Interchange to Urban Community. The Central Urban designation in the northernmost portion of this quadrant remains unchanged. This makes the total area being amended as part of this map amendment approximately 80 acres. A map depicting the proposed future land use map being transmitted for the interchange area is attached as Attachment 5.

As stated in staff's discussion of the subject area, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. Less the Central Urban area, the area would qualify for approximately 300,000 s.f. of commercial development. Staff previously compared the possibility of amending the quadrant to a residential land use category using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. The proposed Urban Community category has a density range of 6 units/acre with up to 10 units/acre including bonus density. Staff estimate that if the area were placed in the Urban Community category potentially 412 units could be developed.

The Urban Community maximum density permits up to 10 du/acre. There are approximately 30 parcel acres in the subject area and approximately 41.28 acres proposed to be amended, including right of way area. Evaluating the maximum scenario means that a maximum of 412 dwelling units could be constructed on the property under the Urban Community designation. This equates to a population accommodation capacity of the FLUM of 861 persons (412 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.



Commercial uses allocated by the Planning Communities Map and Table 1(b) are discussed in Part II of this report. The subject area is located within the "Fort Myers Shores" planning community. In this community there are 633 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 280 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 353 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020.

The proposed amendment does not involve a significant increase in the population accommodation capacity and does not require an amendment to the acreage allocations of the "Fort Myers Shores" planning community. Amending the subject quadrant to the Urban Community designation would correct the non-conforming residential subdivision existing in the western portion of this quadrant today. As discussed in this report, residential uses in the General Interchange category are not permitted except in accordance with Chapter XIII of the Lee Plan. Amending the area to the Urban Community category, where residential uses are permitted, would address the existing non-conformance of the subdivision. In addition, amending the entire northeast quadrant would allow the existing residential uses as well as ensuring the possibility of residential development as an option for the property adjacent to the subdivision, whereas previously it was not. For informational purposes, the applicant for the small scale amendment in this quadrant that was originally denied by the Board has provided back up materials regarding their proposal to amend a 10 acre portion of this quadrant from General Commercial Interchange to Urban Community. The materials are attached to this report as Attachment 6.



**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: August 19, 2005

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Department of Community Affairs has raised objections to proposed amendment CPA 2004-13. The DCA objections are reproduced below:

**OBJECTION**

**Land Use Suitability:** *This is a proposal to change the land use designation of certain properties located within the southeast, southwest and northeast quadrants of the intersection of I-75 and State Road 80. The Department has no concerns with the proposed changes to the southwest and southeast quadrant.*

*With respect to the proposal to change the land use designation on 41.28 acres of land located in the northeast quadrant from General Commercial Interchange to Urban Community the public facilities analysis for the amendment did not quantify the impact of the proposal on schools. There is a general statement in the staff report that according to the School Board, the amendment will not have any impact on schools; however it would be appropriate to show how the analysis of the impact on schools was derived in order to substantiate the statement. Above all, the proposal is inappropriate because the site is not suitable for the proposed designation. The subject site is located within the coastal high hazard area, and according to Map 9, of the Lee Plan, is within the 100-year floodplain that is subject to tidal flooding. This proposal has the potential to allow up to 412 dwelling units in this coastal high hazard area and would consequently expose a substantial population to the dangers of a hurricane and flooding. The proposal is, therefore, inconsistent with the state's requirement that comprehensive plans direct population concentrations away from known or predicted coastal high hazard areas, and also inconsistent with the requirement that future land uses be coordinated with appropriate topography, including flood prone areas. Lee Plan Policy 75.1.4 requires that the County limit the future population exposed to coastal flooding by assigning reduced density categories to properties within the coastal high hazard area. Goal 75 of the Lee Plan calls for the protection of human life and developed property from natural disasters, and Objective 75.1, mandates a reduced density for properties located within coastal high hazard areas. The proposed designation of Urban Community for this site is inconsistent with Objective 75.1 and Policy 75.1.4 and would not further Goal 75. The current designation of General Commercial Interchange that does not allow residential uses is clearly appropriate for this site and it is consistent with Policy 75.1.4, as well as with Objective 75.1, and furthers the intent of Goal 75. Chapter 163.3177(6)(a), (g)7., & 8., Florida Statutes (F.S.); Rule 9J-5.003(17); 9J-5.006(2)(b), & (3)(b)1., (c)1., & (4)(b)6.; 9J-5.012(3)(b)5., & 6., & (3)(c)7., Florida Administrative Code (FAC).*

**Recommendation:** *It is recommended that the County not adopt the proposed amendment to the northeast quadrant.*



## **B. STAFF DISCUSSION**

The DCA has objected to the amendment to the northeast quadrant of the interchange, finding that the site is not suitable for the proposed designation. The objection provides that the potential density in the Coastal High Hazard Area could expose a substantial population to the dangers of a hurricane and flooding. The DCA has found the proposal for the northeast quadrant inconsistent with state requirements that direct population concentrations away from coastal high hazard areas and with Lee Plan policies and have stated that the current designation is clearly appropriate for this site. The DCA has recommended that the County not adopt the proposed amendment to the northeast quadrant.

Lee Plan Objective 105.1 provides that allowable densities for undeveloped areas in the CHHA will be considered for reduction. Lee Plan Policy 105.1.4 specifies that through the plan amendment process land use designations in undeveloped areas in CHHA's will be considered for reduced categories, or the assignment of minimum allowable densities where density ranges are permitted, in order to limit population exposed to coastal flooding. The existing General Commercial Interchange category and the commercial uses allowed in this category achieve the intent of Lee Plan policy. Staff finds that in light of the recent increased storm activity there has been heightened sensitivity to increasing density in the Coastal High Hazard Area. The Governor has recently announced a Coastal High Hazard Study Committee as well. The DCA has recommended that the County not adopt the proposed amendment to the northeast quadrant and has provided that the department has no concerns with the proposed changes to the southern quadrants of the interchange.

Planning staff has reviewed the DCA's objections and recommendations and requested further review from the School District of Lee County regarding the impact of the proposal on schools. At the time the amendment went before the Board of County Commissioners the School District provided that the amendment would not have any impact on schools. At the time of the transmittal hearing the amendment did not involve any increase in residential density. The plan amendment proposal involved a reduction in residential density given that the General Commercial Interchange future land use category does not allow for residential units. Per the Board's action at the transmittal hearing, approximately 41.28 acres were proposed to be amended in the northeast quadrant from General Commercial Interchange to Urban Community. The School District has provided the following written comments dated September 28, 2005 regarding the amendment to the northeast quadrant (see Attachment 7).

*"412 multifamily residential dwelling units would generate 45 new students creating a need for 2 new classrooms. 412 single family dwelling units would generate 145 new students creating a need for 6 new classrooms. In addition to the classrooms the Lee County School District would have a need for increasing staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated."*

## **C. STAFF RECOMMENDATION**

Upon considering and balancing the above issues and given the likelihood that the DCA will challenge the proposed amendment with regard to the northeast quadrant, staff recommends that the Board of County Commissioners adopt the proposed amendment to include only the proposed changes to the southern quadrants of the interchange at this time.



**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: October 12, 2005

**A. BOARD REVIEW:** Planning staff provided a brief summary of the proposed plan amendment and explained that the ORC Report recommended that the County not adopt the amendment to the northeast quadrant due to the potential increase in density in the Coastal High Hazard Area (CHHA). Staff recommended the Board adopt the proposed amendment to include only the proposed changes to the southern quadrants of the interchange.

Several members of the public addressed the Board regarding the northeast quadrant of the interchange area. The first speaker was a lawyer representing an applicant of a previously proposed small scale amendment in this quadrant. The representative provided a packet titled *Response to ORC* that is attached to this report as Attachment #8. This attachment provides a discussion regarding the ORC Report and includes seven exhibits referencing contour lines, historical storm water levels, and sections of the Florida Statutes, Florida Administrative Code, and the Lee Plan that were discussed in the ORC Report. The representative discussed the ORC report and provided that the state requirements noted in the report are requirements that the comprehensive plan must include and assented that indeed the comprehensive plan does include these requirements. The representative noted that Exhibit A in the packet provided shows the location of the CHHA with the 5.3 contour provided by the Regional Planning Council.

The general manager of the Leeward Yacht Club project involved in the previous amendment addressed the Board and pointed out that part of the northeast quadrant is in the Water Dependent Overlay and is consistent with the Lee County Manatee Protection Plan. The representative discussed community support for the change to Urban Community in the northeast quadrant and also reviewed historic water levels for the area as recorded by the owners of the marina property. This information is included as Exhibit C in Attachment #8.

Another representative of the previous small scale amendment discussed the history of the interchange category in this area and that this category has been in place here since the 1984 plan. The representative provided that this amendment is adding 39 acres to the interchange category on the south side of the interchange and discussed the commercial allocations for the planning community. The representative concluded that preserving the interchange category here is not a reasonable concern. He also stated that Lee Plan policy gives discretion with regard to density reduction in the CHHA and does not mandate density reduction in this area. The representative also described how the Caloosahatchee Shores Community Plan encourages mixed use development to raise the quality of development in the area and he felt that the site is too unique for the interchange category and encouraged the Board to amend the northeast quadrant to Urban Community.

Over a dozen members of the public addressed the Board showing support for the amendment to the northeast quadrant. The public who spoke represented the East Lee County Council, several Civic Associations in the area, and the residents of the area. The members of the public supporting the amendment to Urban Community noted their desire to see the quadrant developed with mixed use rather than commercial interchange type uses, stated their concern for the preservation of historical structures



and tree cover on the site, found that the area already has enough interchange uses, and stated their support for the Leeward Yacht Club development proposal for this quadrant. One member of the public also provided that residential development here would benefit the manatee concentration in the area rather than commercial.

Two members of the public addressed the Board voicing their objections to the amendment to Urban community in the northeast quadrant. The first member to speak noted that the DCA ORC Report agreed with staff and stated that the marina site has a history of non-compliance. This member of the public stated that with four hurricanes in the last year high density in the CHHA is not proper and that commercial development here does not have to be strip malls, it could be innovative. Regarding manatees in the area, this member stated that marina site is not necessarily in compliance with the manatee protection plan, but is exempt from the manatee protection plan.

The second member to speak stated they are a resident of the Dos Rios subdivision in the subject quadrant and stated that they supported the previous speaker with regard to the site not being in compliance. This member of the public noted that residents of the area should not be threatened by a Walmart in this quadrant. The proposed change conflicts with the wishes of the subdivision. This member concurred with the DCA conclusion that the site is not suitable for the increased density and he did not want a tower in the neighborhood. This member concluded that there are water marks from high water on the buildings at the marina and the amendment to Urban Community would be placing the future population in danger.

A member of the Board asked for an overview from staff. Planning staff described that there has been somewhat of a fear factor for what could be built in this area today under the current designation. Staff stated that through the Board's zoning powers it could be ensured that development in this quadrant is compatible with surrounding uses. Staff also stated that they worked with the Regional Planning Council to establish the CHHA to be consistent with the state requirements and that the entire property is shown in the CHHA. Staff also noted that the Board has adopted an amendment to ensure that development in the CHHA is also evaluated as part of the zoning process. Staff stated that adopting the amendment for the northeast quadrant as proposed may place the county in the administrative hearing process. Staff stated that this hearing is approving a plan amendment and not a project and that the proposed land use category would continue to allow many of the same uses that the current category would allow today. This amendment will not eliminate commercial uses and does not guarantee mixed use. Staff also mentioned that this request is being driven by the residential market and noted the recent trend of a loss of commercial and industrial uses to residential development in the County.

Staff from the County Attorney's Office provided that if the amendment were adopted and challenged by the DCA the County would look to the private individual to provide the bulk of the expenses and defense. One member of the Board stated that they support mixed use but not in an interchange area suitable to serve the needs of the traveling public. This Board member discussed the possibility of widening I-75 to 10 lanes in the future and that we cannot take land set aside for the interchange and set residential uses right next to the highway. The Board member also stated that the proposed project is out of scale with the existing neighborhood and that the existing oak trees on the marina site must be protected through the County's open space requirements. This Board member also discussed the flooding of the property that was noted with Hurricane Charlie and stated that it was fortunate not to have occurred at high tide. The Board member found that the proposal is inappropriate in the CHHA and is not consistent with the intent



of the Interchange designations as it would be pulling motorists further onto collectors for those uses. This member stated that he does not support the amendment to the northeast quadrant.

Another member of the Board noted the unique situation of the subject quadrant and stated that as commissioners they must listen to the affected parties in these issues and acknowledge the community efforts that have been made in this area. This member also noted that the Board rarely disagrees with staff but in this case the unique character of the area could be destroyed and that the amendment to Urban Community would add community character and would be good for the area. Another Board member stated that they echoed the comments made by this commissioner.

One Board member restated that commercial development can still be placed in the subject quadrant with the proposed amendment and found that this amendment is an opportunity for the area. This member stated that this is the type of project that was envisioned by former Community Redevelopment Committee members for the area. The amendment would not allow the expansion of more interchange uses that already exist in the area. Because the area is in the CHHA it would not be favorable to rezone the area to a conventional zoning district. This Board member found that the amendment would result in Smart Growth where you could have residential next door to an existing boat yard that is already open to the public. This member felt that interchange uses should not be this close to the water and that this is a unique site. It was stated that this area of the County is unique in that residential development is catching up with existing commercial development.

A motion was made to adopt the proposed amendment as transmitted. One member of the Board added with regard to manatee issues that the marina is here regardless of the amendment and that docks can be addressed at the time of zoning. Another member of the Board stated that they support the motion in terms of the community's role in the amendment. The motion passed 4 to 1.

## **B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board voted to adopt the proposed map amendment as transmitted to the DCA (depicted on Attachment 5).
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA regarding the southern quadrants of the interchange. The Board amended the northeast quadrant to the Urban Community land use category based on the findings discussed above.



**C. VOTE:**

**JOHN ALBION**

**AYE**

**TAMMY HALL**

**AYE**

**BOB JANES**

**AYE**

**RAY JUDAH**

**NAY**

**DOUG ST. CERNY**

**AYE**



**CPA2004-13**

**Attachment 6**



CPA2004-00013

# Future Land Use Map (Proposed)



  Study Area

## Future Land Use Designations

  Intensive Development

  Central Urban

  Urban Community

  Suburban

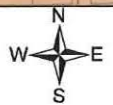
  Public Facilities

  General Commercial Interchange

  Conservation Lands - Uplands

  Wetlands

  Conservation Lands - Wetlands



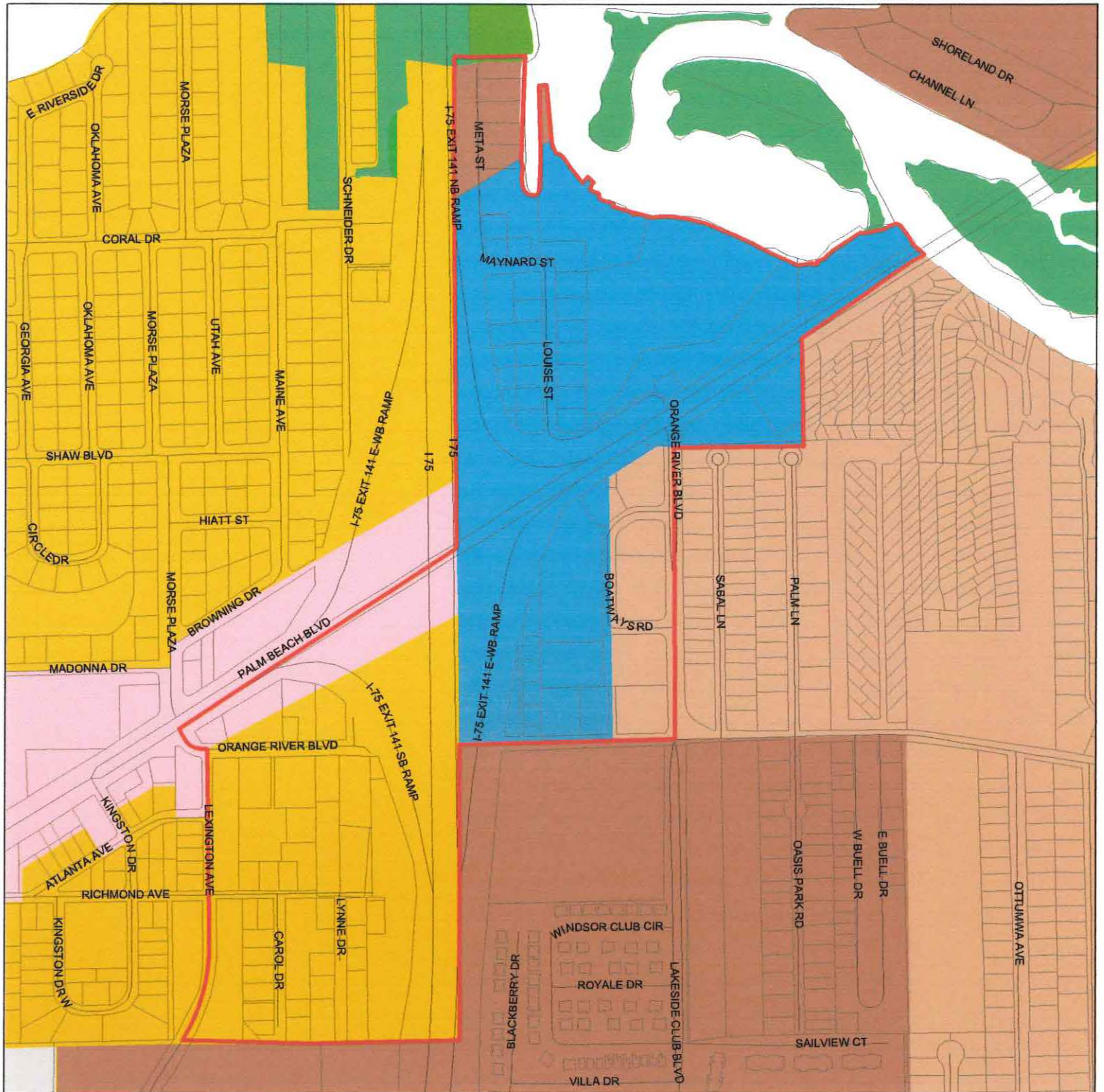
150 75 0 75 150 300 450 600  
Feet





CPA2004-00013

# Future Land Use Map (Existing)



Study Area

## Future Land Use Designations

Intensive Development

Central Urban

Urban Community

Suburban

Public Facilities

General Commercial Interchange

Conservation Lands - Uplands

Wetlands

Conservation Lands - Wetlands




0 100 200 300 400 500





## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning 

Date: May 17, 2005

Subject: **CPA 2004-00013 (I-75/SR 80 Interchange)**

The Department of Transportation has reviewed the above-referenced Board-initiated future land use map plan amendment, to change 25.84 acres in the southwest quadrant from "Suburban" to "General Commercial Interchange" and to change 5 acres in the southeast quadrant from "Urban Community" to "General Commercial Interchange". Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans.

Thank you for this opportunity to comment. Please let me know if you have any questions.

DML/mlb

cc: Brandy Gonzalez  
Donna Marie Collins



**From:** Michael Pavese  
**To:** Gonzalez, Brandy  
**Date:** 5/11/05 4:04PM  
**Subject:** Re: CPA 2004-13 - Future land use amendment

Staff has reviewed your request for a determination regarding the adequacy of existing and planned services in this area and if the proposed future land use amendment referenced above may have any negative impact on these services.

It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Michael P. Pavese  
Principal Planner  
Department of Public Works Administration  
pavesemp@leegov.com  
(239)479-8762  
(239)479-8307 (fax)

>>> Brandy Gonzalez 05/06/05 09:58AM >>>  
May 6, 2005

Public Service/Review Agencies

RE: CPA2004-13 - BoCC Initiated Lee Plan Future Land Use Amendment

Planning Division staff requests your agencies help in reviewing the above referenced Lee Plan amendment. CPA 2004-13 is an amendment to evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area. Attached are two maps of the subject area - one map shows the existing future land use categories and the other shows the proposed future land use categories staff is recommending. Staff has evaluated the interchange area and is proposing future land use changes to the southeast and southwest quadrants of the interchange.

Changes in the southwest quadrant place the existing RV Sales center in the General Commercial Interchange land use category, removing it from the Suburban land use category (a primarily residential category that allows up to 6 units/acre). This change amends 11.87 parcel acres and 25.84 acres total when including the actual right-of-way of I-75 and S.R. 80. Although the area is already developed with commercial uses, staff estimates that the area would qualify for approximately 120,000 s.f. of commercial uses if redeveloped and no dwelling units.

Changes in the southeast quadrant place existing interchange uses (hotel/gas station) in the General Commercial Interchange land use category, removing it from the Urban Community land use category (a mixed category that allows up to 6 units/acre and up to 10 units/acre using bonus density). This change amends 5 acres of land. Again, although the area is already developed with commercial uses, staff estimates that the area would qualify for approximately 50,000 s.f. of commercial uses if redeveloped and no dwelling units.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than May 12, 2005. Staff apologizes for the short response time as this amendment was initiated late in the plan



amendment cycle. Staff finds the amendment is fairly straightforward. The amendment adds commercial uses and removes residential uses in the interchange area. If this land use change includes any potential impact to your agencies budget, please include this information in your comments. Staff plans to take the proposed amendment before the Local Planning Agency May 23rd.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to call me at 479-8316.

Brandy Gonzalez  
Planner - DCD  
[bgonzalez@leegov.com](mailto:bgonzalez@leegov.com)  
Phone: 239-479-8316  
FAX: 239-479-8319

**CC:** Berra, David; Noble, Matthew; Yarbrough, John







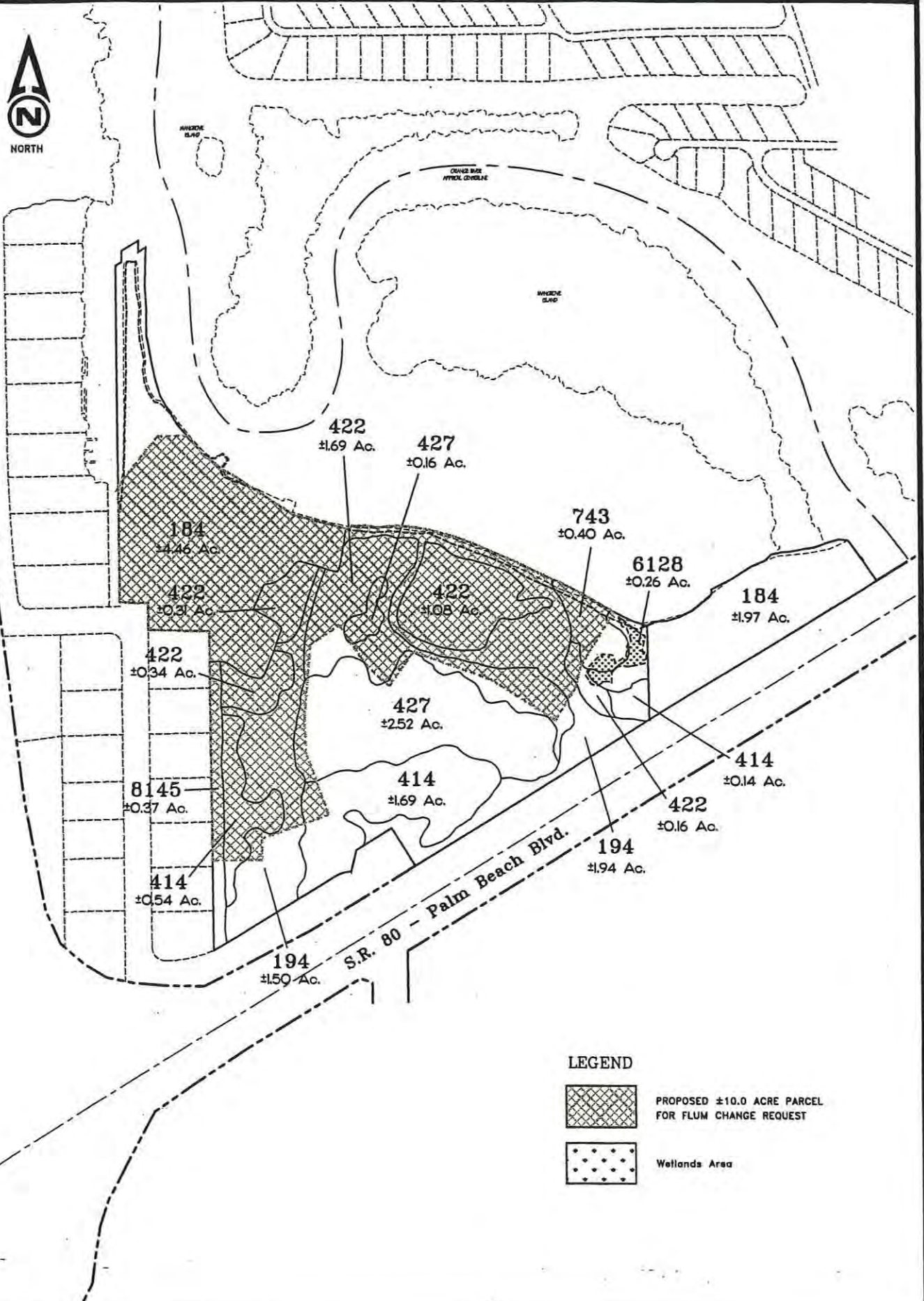
CPA2004-13

Attachment 6





INTERSTATE 75



LEEWARD YACHT CLUB  
EXISTING VEGETATION MAP  
EXHIBIT 6A

PROJECT NO.: 2003.081-B

DECEMBER, 2003

**H.M.**  
**HOLE MONTES**  
ENGINEERS-PLANNERS-SURVEYORS

6202-F Presidential Court  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Florida Certificate of Authorization No.1772  
Naples · Fort Myers · Venice · Englewood



# VEGETATION MAP

Leeward Yacht Club / Manatee World - ±19.53 Acres

Sec. 34, T. 43 S., R. 25 E.

E. Ft. Myers, Lee County, Florida

## UPLANDS

<u>CODE</u>	<u>DESCRIPTION</u>	<u>ACRES</u>
184	Existing Marina Complex	±6.43
194	Open/Cleared Land	±3.44
414	Pine-Oak-Cabbage Palm	±2.37
422	Brazilian Pepper Thicket	±3.58
427	Oak-Cabbage-Palm	±2.68
743	Cement Rubble	±0.40
8145	Abandoned Grade/Paved Roadway	±0.37

UPLANDS - Total ±19.27

## WETLANDS

<u>CODE</u>	<u>DESCRIPTION</u>	<u>ACRES</u>
6128	Mangrove / Brazillian Pepper Wetland	±0.26

JURISDICTIONAL WETLANDS - Total ±0.26

DATE: December 4th, 2003

Southern Biomes, Inc.

Division of Environmental Information Services

1602 Woodford Ave., Ft. Myers, FL 33901

Tel.: (941) 334-6766

Geza Wass de Czege, President

LEEWARD YACHT CLUB

EXISTING VEGETATION TABLE

EXHIBIT 6B



INTERSTATE 75

MANGROVE ISLAND

ORANGE RIVER  
APPROX. CENTERLINE

MANGROVE ISLAND

MANGROVE ISLAND

MANGROVE ISLAND

66

11

28

S.R. 80 Palm Beach Blvd.

## LEGEND

- 11 Myakka Fine Sand
- 28 Immokalee Sand
- 66 Caloosa Fine Sand



PROPOSED ±10.0 ACRE PARCEL  
FOR FLUM CHANGE REQUEST



NORTH  
1" = 400'

# LEEWARD YACHT CLUB EXISTING SOILS MAP EXHIBIT 7

PROJECT NO.: 2003.061-B

DECEMBER, 2003

**H M**  
**HOLE MONTES**  
ENGINEERS · PLANNERS · SURVEYORS

6202-F Presidential Court  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Florida Certificate of Authorization No.1772  
Naples · Fort Myers · Venice · Englewood



## Southern Biomes, Inc.

### Division of Environmental Services

1602 Woodford Ave., Ft. Myers, FL 33901

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

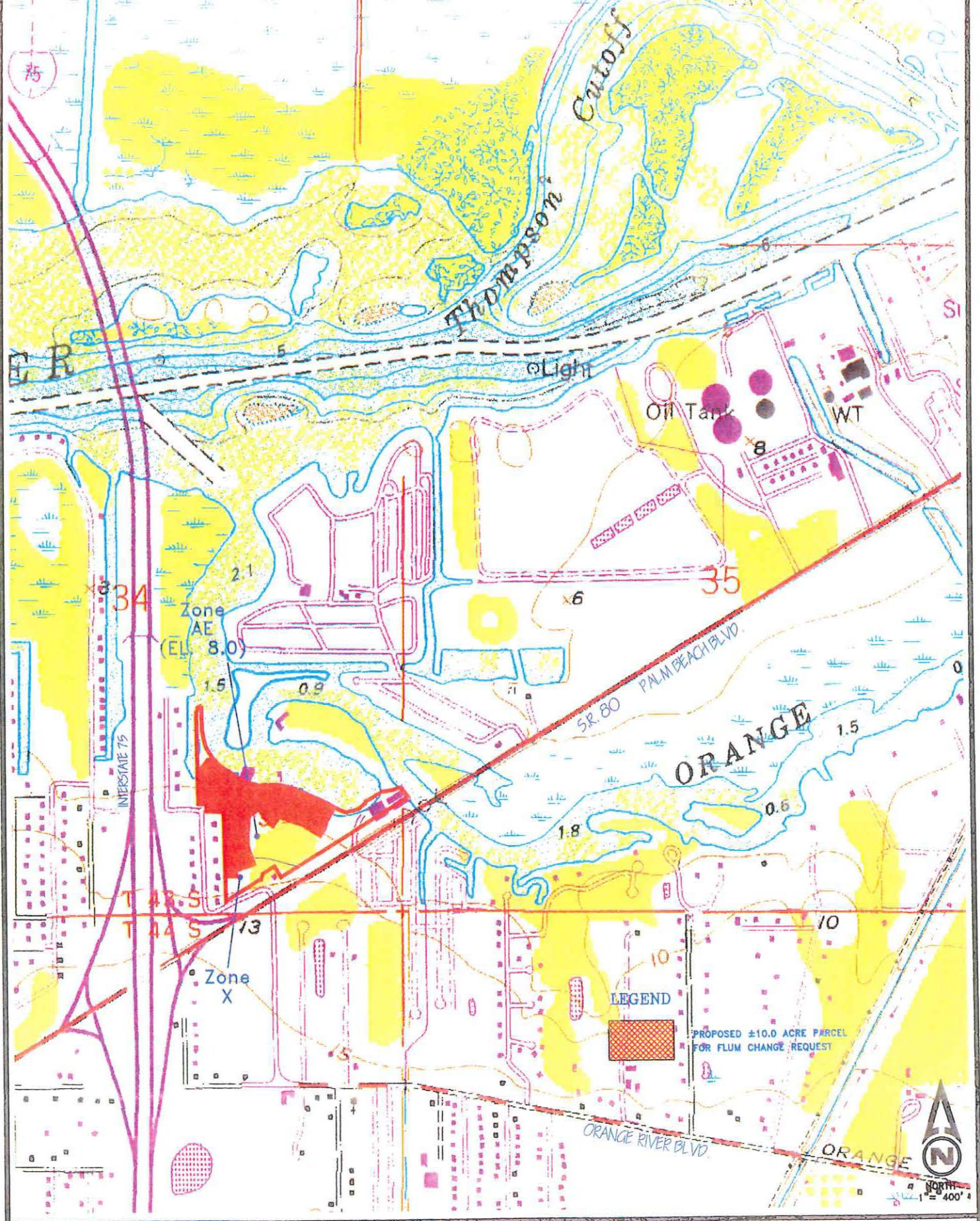
December 19, 2003

#### Soils Description:

The U.S. Soil Conservation Service's Soils Map reveals three (3) soil types on the property. Immokalee sand (28) is found throughout the majority of the subject property, Caloosa fine sand (66) is found in the northwestern portion of the subject property, and Myakka fine sand (11) is found in the eastern portion of the subject property. The following text provides a brief summary of each of the soil types:

Code	Description
11	Myakka fine sand is a nearly level, poorly drained soil on broad flatwoods areas. Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the next 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable. The natural vegetation consists of saw palmetto, fetterbush, pineland threeawn, and South Florida slash pine.
28	Immokalee sand is a nearly level, poorly drained soil in flatwoods areas. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very brown sand to a depth of 80 inches or more. The natural vegetation consists of saw palmetto, fetterbush, pineland threeawn, and South Florida slash pine.
66	Caloosa fine sand is a nearly level, somewhat poorly drained soil formed by dredging and filling and by earthmoving operations. Typically, the surface layer is about 10 inches of light brownish gray, mixed mineral material of fine sand and lenses of silt lam with about 10 percent shell fragments. The next 17 inches is pale brown and gray, clay loam. The next 11 inches is light gray silty clay with brownish yellow mottles. Below this to a depth of 80 inches or more is gray silty clay with dark gray streaks and brownish yellow mottles. Most of the natural vegetation has been removed. However, the existing vegetation consists of scattered South Florida slash pine, wax myrtle, cabbage palm, improved pasture, and various scattered weeds.





LEEWARD YACHT CLUB  
USGS TOPO EXHIBIT  
EXHIBIT 8

FILE NO.: 2003.061-B

DECEMBER, 2003



6202-F Presidential Court  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Florida Certificate of Authorization No.1772  
Naples Fort Myers Venice Englewood



## **ATTACHMENT B.2(a)**

### **Sanitary Sewer Analysis**

The property is located within the Lee County Utilities waste water service area. Lee County has an inter local agreement with the City of Fort Myers by which Lee County has purchased capacity in the plant for the treatment of waste water from the County's service area adjacent to SR 80 and I-75. The closest point of service is at the intersection of Louise Street and SR 80, where LCU has a regional sewer pumping station which pumps waste water from eastern Lee County to the City of Fort Myers. A large capacity 36-inch gravity sewer system composed of two manholes delivers waste water from a 24" force main into the pumping station. The City of Fort Myers North Waste Water treatment Plant currently has a capacity of 11.0 MGD, with a current demand of 9.0 MGD during the summer and 6.0 MGD during the winter months. Based on the existing Future Land Use Map (FLUM) designation of General Interchange, the estimated demand is 0.015 MGD (100,000 sf Retail/Commercial). Based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM. However, no improvements will be necessary to service the additional demand. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.



## **ATTACHMENT B.2(b)**

### **Potable Water Analysis**

The property is located within the Lee County Utilities water service area. The closest service line is at the corner of SR 80 and Louise Street (20" water transmission main). Presently the Lee County Utilities Olga Water Treatment Plant has a capacity of 5.0 MGD, with a current demand of 4.891 MGD. In addition, Lee County Utilities is in the process of building the North Regional Water Treatment Plant which will be online within two years. Based on the existing Future Land Use Map (FLUM) designation of General Interchange, the estimated demand is 0.015 MGD (100,000 sf Retail/Commercial). Based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM. However, no improvements will be necessary to service the additional demand. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.



## **ATTACHMENT B.2(c)**

### **DRAINAGE/SURFACE WATER MANAGEMENT ANALYSIS**

The property is located within the Caloosahatchee River Watershed. The proposed project will be required to obtain an Environmental Resource Permit from the South Florida Water Management District (SFWMD) for construction and operation approval, and will require compliance with the Lee County's Level of Service Policy 70.1.3. for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (2001/2002 – 2002/2003), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE.



## **Attachment B.2.d.**

### **Existing and Future Conditions Analysis**

#### **Parks, Recreation and Open Space**

The subject property is located in Community Park District 3. According to the Lee County Concurrency Management Inventory and Projections 2001/2002 – 2002/2003, this district currently contains 147 acres of community parks, while the required level of service is 55 acres. A future expansion of Veterans Park will increase the inventory by 36 acres. The increased demand created by this amendment is .167 acres (100 units x .8 acres/1000 permanent population), which is de minimis.



## **Attachment E**

### **INTERNAL CONSISTENCY with the LEE PLAN**

- 1. Discuss how the proposal affects established Lee County projections, Table 1(b) (Planning Community Year 2020 allocations), and the total population capacity of the Lee Plan Future Land Use Map.**

Table 1(b) has an allocation of 633 acres in the Urban Community land use category within the Fort Myers Shores Planning Community. Of this total, 360 are still available. The proposed amendment would add approximately 200 residents to the County's total population capacity, which is not significant in a County population that is approaching 500,000 residents.

- 2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an avaluation of all relevant policies under each goal and objective.**

The overall policy question related to this change is whether a mixed use residential yacht club with public marina and related commercial uses is preferable to twenty acres of General Interchange commercial uses in this location. Although the entire project is not the subject of this plan amendment, it helps to provide the underlying rationale for this ten acre change and will provide useful context for the discussion of the individual policies. As indicated, this application will only address new residential uses for ten of the twenty acres, in lieu of General Interchange commercial uses.

#### **Goal 1 - Future Land Use Map.**

This Goal calls for the Future Land Use Map to protect natural and manmade resources, provide essential services in a cost effective manner and discourage urban sprawl. The proposed amendment will allow for the development of a classic infill development site. In addition, the ultimate reconfiguration of the marina will provide better protection for the navigation channel of the Orange River.

#### **Objective 1.1 - Future Urban Areas.**

This objective calls for the Land Use Map to provide categories of varying intensities to provide for a full range of urban activities. Given the availability of highway commercial activity at other quadrants of this interchange, a conversion to residential uses will actually provide more variety and choice without unduly diminishing the supply of needed services to the traveling public.



#### **Policy 1.1.1.**

This policy references Map 16 and Table 1(b), which are the planning community acreage allocation tables. Fort Myers Shores Planning Community has 633 acres of Urban Community assigned to it of which 360 acres are still available for development. There will need to be revision to Table 1(b) to accommodate the remainder of the development during the next round of regular amendments.

#### **Policy 1.1.4.**

This policy is the definition of Urban Community which are identified as areas outside of Ft. Myers and Cape Coral with a mixture of relatively intense commercial and residential uses. This description fits the subject property and there is Urban Community on the south side of Palm Beach Blvd. Standard density range is 1 to 6 DU's per acres, with a maximum using bonus density of 10 units per acre.

#### **Policy 1.3.2.**

This is the definition of a General Interchange area which is intended primarily for land uses that service the traveling public. There is already a large complex of traveling public services on the southeast quadrant of I-75 and S.R. 80 which adequately serves the intent of the category for this interchange. This category does not allow residential uses, hence the need for the amendment.

#### **Policy 1.5.1.**

This policy provides guidance for the Wetlands land use category. There are no wetlands within the ten acres subject to this amendment, but a very small portion of the remainder of the project is wetlands and will be protected as part of the zoning and site review process.

#### **Policy 1.7.6.**

This policy regulates the planning communities' map and acreage allocation table. There is adequate capacity within Table 1(b) to accommodate the ten acres of Urban Community proposed in this amendment.

### **Goal 2 - Growth Management.**

- This goal provides guidance on location and timing of new developments with respect to infrastructure and services.



## **Objectives 2.1 and 2.2.**

These reference development location and development timing, and this application is consistent with these two objectives since it is an infill parcel that is well served by all necessary facilities and services.

Perhaps the most relevant portion of the Lee Plan is Goal 5 dealing with residential land uses and related policies. Goal 5 calls for the County to provide sufficient land in appropriate locations to accommodate the protected population of Lee County in attractive and safe neighborhoods.

### **Policy 5.1.5.**

This policy speaks to protecting existing future residential areas from any encroachment or uses that are potentially destructive to the character or integrity of the residential environment. There is a single-family subdivision called Dos Rios which is located immediately east of I-75 and north of S.R. 80. In fact, access to the Hansen marina is currently through this single-family subdivision, which is less than desirable. Although the single-family subdivision has been in existence since 1960, it did develop after the marina and has always had that neighboring land use. However, it did precede the construction of I-75 by over twenty years which makes the General Interchange designation very awkward.

This land use amendment will allow for the replacement of potentially incompatible highway commercial uses next to a single-family subdivision with a high-quality residential community, and will also relocate the entrance to this new community away from the Dos Rios subdivision. This would be a much better land use pattern for this area than the current Lee Plan land use designation would dictate. The new development would also be consistent with **Policy 5.1.6** which requires appropriate open space, buffering landscaping and recreation facilities and **Policy 5.1.7** which requires appropriate community facilities and an interconnected design with pedestrian and bicycle pathways.

Although the requested amendment for ten acres does not include the marina site, the overall development will be very consistent with **Goal 8** and the related policies under **Objective 98.5**, **Objective 98.6** and **Map 12** relating to marine oriented land uses.

The project is also consistent with **Goal 11**, as it will be connected to central water and sewer service with available capacity and S.R. 80 is currently operating at LOS "A".

The newest amendment to the Lee Plan that is relevant to this request is



**Goal 13** and related Objectives and Policies for the **Caloosahatchee Shores Community Plan**. That Plan did not address the General Interchange area in any detail, but it did encourage attractive mixed use development, especially along S.R. 80. The **Callossahatchee Shores Community Plan** in general is encouraging a more rural development style for the majority of the community, but clearly the land next to I-75 in the General Interchange area is in a different situation. There is nothing in the requested amendment that should be inconsistent with the **Caloosahatchee Shores Community Plan**, and in general it promotes the broad goals and objectives of that plan.

**Goal 100** deals with housing and calls for the County to provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County. This development would be consistent with that goal and related policies, especially **Policy 100.1.9** and **Policy 100.9.5**.



## **Attachment E.4**

### **INTERNAL CONSISTENCY with the LEE PLAN**

### **CONSISTENCY WITH STATE AND REGIONAL PLANS**

The proposed amendment from General Commercial to Urban Community is intended to permit an attractive mixed use development with residential, commercial, and water-dependent components in an area that has already been determined to be suitable for intense commercial uses. The amendment, therefore, is consistent with the following State and Regional Plan provisions which encourage mixed uses and infill projects:

#### **State Plan**

1. Land Use Policy 3
2. Urban and Downtown Revitalization Policy 12

#### **Regional Plan**

1. Affordable Housing Goal 2, Strategy 1, Action 2
2. Economic Development Goal 1, Strategy 4, Action 3
3. Economic Development Goal 1, Strategy 4, Action 5
4. Regional Transportation Goal 2, Strategy 1, Action 4



## **Attachment G**

### **Justification of Request**

As referenced in the discussion under Lee Plan Consistency, it is more appropriate to consider the complete project when analyzing the benefits of this plan amendment from General Interchange to Urban Community. While the amendment at hand is for ten acres of land, that is actually a first step in a larger project to develop approximately twenty acres into a first class condominium / yacht club with public marina and minor related commercial uses. This will be a true mixed use development that takes maximum advantage of one of the remaining prime waterfront parcels in Lee County. To utilize this property for gas station and motels would be a terrible waste of the resource, as well as being incompatible with the neighboring Dos Rios subdivision to the west. In terms of neighbor compatibility, the residential development and yacht club will be a major improvement over highway commercial for the existing Dos Rios residents, and the relocation of the main entrance to the Hanson Marina from their development will also be a major improvement in the land use pattern and neighborhood compatibility.

The other factor to consider is the availability of services and infrastructure, and in most cases ten acres of residential development will place less demand on utilities and infrastructure than ten acres of commercial development. The two exceptions to this will be parks and schools which will have an additional impact as a result of residential development, but the analysis provided under the Comp. Plan discussion shows that the impact will be minimal. We have provided letters from the service providers indicating that they can handle this change with no great complications.

As indicated, there is already a major complex of highway-oriented commercial uses developing in the southeast quadrant of I-75 and Palm Beach Blvd., and that is more than adequate to serve the needs of the traveling public in this location. Therefore, the conversion of this land from General Interchange to Urban Community will represent an improvement to the Land Use Plan and a much better pattern of development for the existing residents and surrounding property owners.



# Endangered Species Report For Lee County Rezoning

## Leeward Yacht Club ±19.53 Acre Parcel

Sec. 34, T43S, R25E, Lee County, Florida

December 19, 2003

Engineers:

Hole Montes, Inc.  
6202-F Presidential Court  
Ft. Myers, FL 33919  
(239) 985-1200

conducted by:

### **Southern Biomes, Inc.**

**Division of Environmental Services**

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994  
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028



**Southern Biomes, Inc.**  
**Division of Environmental Services**  
**1602 Woodford Ave., Ft. Myers, FL 33901**

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL  
December 19, 2003

**BASIS OF REVIEW FOR AN ENVIRONMENTAL IMPACT STUDY**  
**WITHIN LEE COUNTY**

1. **VEGETATION MAP:** An aerial photographic map circumscribing the vegetative associations, using the Florida Land Use and Cover Classification System (FLUCCS) code to identify the vegetative communities is provided with this report.
2. **VEGETATION INVENTORY:** A brief description of habitat types, with dominant canopy, midstory, and ground cover vegetation are provided in the following text.

**SITE DESCRIPTION:** The subject property consists of a 19.53-acre irregular shaped parcel located on the north side of State Road 80, approximately 250-300 feet east of Interstate 75 and along the Orange River just south of the Caloosahatchee River. Residential homes are located to the west, between I-75 and the subject property. To the north and northeast is the Orange River, and State Road 80 to the south and southeast.

There is a total of eight (8) land use or vegetative cover classifications on site, with seven (7) classified as upland vegetation associations and one (1) classified as a wetland vegetative association. These land use and cover associates are delineated on the vegetation map and coded per the Florida Land Use and Cover Classification System (FLUCCS). The following text is a brief description of each of the land use or vegetative cover identified:

**UPLANDS (19.27 acres):**

There are approximately 19.27 acres of uplands, of which approximately 6.43 acres are associated with two existing marina complexes (FLUCCS code 184), which includes Hansen Marina and Manatee World, with all the storage buildings, maintained yard areas, equipment storage areas, and vehicle parking facilities. Several docks and covered buildings extend out over the water. The open, or cleared, land (FLUCCS code 194) divides the undeveloped portion of the subject property into three distinct areas: a western area along the western property boundary; a central area which is primarily forested; and



## **Southern Biomes, Inc.**

**Division of Environmental Services**

**1602 Woodford Ave., Ft. Myers, FL 33901**

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

an eastern area which includes a forested area with a mangrove and Brazilian pepper wetland.

The western area consists of three cover types or vegetative communities. Along the western property boundary leading to the existing marina is an old, abandoned roadway (FLUCCS code 8145) most likely used to access the marina at one time. Portions of the roadway appear to have been graded and paved, and other portions only have the road base fill material. Adjacent to the old roadway is a pine-oak-cabbage palm forested area (FLUCCS code 414). To the north of the pine-oak-cabbage palm area are two small Brazilian pepper thickets (FLUCCS code 422) consisting of >75% Brazilian pepper in the canopy and midstory. Considerable amount of litter and waste material dumping has occurred throughout the area.

The central area consists of a large forested area. The southerly portion of the forested area consists of a mature slash pine-cabbage palm-oak forested area (FLUCCS code 414) similar in vegetation as in the western area, but with less Brazilian pepper and Java plum, and a more open midstory. To the north is an oak-cabbage palm area (FLUCCS code 427) with large mature oaks, with various other types of vegetation scattered in the canopy and midstory. The groundcover consists mostly of leaf litter with scattered caesarweed, fox grape, catbrier, and low panicum. Further to the north are two dense Brazilian pepper thickets (FLUCCS code 422) similar in vegetation as the one located in the western area. Within these areas are numerous old boat hulls, old vehicle frames, trailer frames, old discarded building materials, and numerous other trash. Located within the southern Brazilian pepper thicket is a small oak-cabbage palm area (FLUCCS code 427).

The eastern area abuts the Orange River to the north. There are a total of four cover types or vegetative communities in this area, three upland communities and one wetland community. The southerly communities consist of a small pine-oak-cabbage palm area (FLUCCS code 414) and a small Brazilian pepper thicket (FLUCCS code 422). An area of concrete and iron rubble (FLUCCS code 743) is located to the northwestern portion of the area, with a crescent shaped mangrove-Brazilian pepper wetland (FLUCCS code 6128) that wraps around an old bridge rubble, and separates this area from Manatee World marina complex. The following text provides the FLUCCS codes, acreages, and descriptions of each cover type found on the property.



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**Existing Marina Complex- 184:** (6.43 acres) This land cover type is composed of the two existing marina complexes which include the marina facilities, old storage buildings, maintained yard areas, equipment storage areas, and vehicle parking areas. Most of this area appears to consist of dredged fill material. Several docks and covered buildings extend out over the water but are not part of the acreage calculations.

**Open/Cleared Land- 194:** (2.81 acres) This land cover consists of cleared, open land with ruderal vegetation and grasses dominating. Most of this cover type that lies northerly of the FLUCCS code 427 appears to consist of dredged fill material. This area is primarily used for access to the water front, materials stored on the property, and for cattle grazing, and appears to be mowed regularly.

**Pine-Oak-Cabbage Palm- 414:** (2.37 acres) This land cover consists of a forested area with canopy and midstory vegetation consisting of slash pine, live and laurel oaks, cabbage palms, and Java plums, Surinam cherry, with scattered Brazilian pepper. The groundcover is mostly leaf litter and sand with occasional ruderal weeds and young trees or shrubs.

**Brazilian Pepper Thicket- 422:** (3.58 acres) This land cover consists of a Brazilian pepper thicket consisting of >90% Brazilian pepper in the canopy and midstory, in addition to java plum and a few scattered slash pines and cabbage palms. Most of this area appears to consist of dredged fill material. Also, a considerable amount of dumping has occurred throughout the area.

**Oak-Cabbage Palm- 427:** (2.68 acres) This community consists of a forested area with large live oaks and laurel oaks, with scattered cabbage palms, slash pines, strangler fig, and Java plums, with a relatively open midstory of scattered Brazilian pepper, wax myrtle, young cabbage palms, guava, and Surinam cherry. The groundcover consists mostly of leaf litter or ruderal weeds. This area also has several old discarded vehicles, boats, and other materials.

**Cement Rubble- 743:** (0.40 acres) This area appears to have been used for dumping of concrete and steel rubble from what possibly could have been the old S.R. 80 bridge crossing the Orange River. Brazilian pepper, woman's tongue, cabbage palms and ruderal weeds dominate the vegetative cover.

**Abandoned Graded/Paved Roadway- 8145:** (0.37 acres) This area consists of an old abandoned roadway, most likely used to access Hansen Marina. Portions of the roadway appear to be graded and paved, and other portions only have the base grade. Most of the ground and midstory vegetation have been cleared for fence maintenance purposes, but canopy trees such as live oaks, Java plums, mangos, cabbage palms, and slash pines are common along the edge of the roadway.



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Lee County, FL

December 19, 2003

**WETLANDS ( 0.26 ac.)**

A mangrove and Brazilian pepper wetland (FLUCCS code 6128) is located along the northeastern end of the vegetated area, and fringes the Orange River. The most northern portion of it is tidal, but the southern finger is dominated by 95% Brazilian pepper, with scattered cabbage palms, and is not tidal. The tidal area is dominated with red and white mangrove, pond apple, leather ferns, and Brazilian pepper. A summary table of all the vegetative communities is listed below, with the representative FLUCCS codes and acreages.

**Mangrove/Brazilian Pepper Wetland- 6128:** (0.26 acres) This vegetative community can be divided into two specific areas; the northerly area consists of dense stands of red and white mangroves, with scattered pond apple, leather fern, swamp ferns, and Brazilian pepper. The southerly portion of the wetlands consists of Brazilian pepper and cabbage palms, with scattered swamp ferns. The northerly portion is tidal, while the southerly portion is not, unless there are extraordinary high tides.

**Habitat Summary**

<u>Code</u>	<u>Description</u>	<u>Acres</u>
	<u>Uplands (19.27 acres)</u>	
184	Existing Marina Complex	6.43
194	Open/Cleared Land	3.44
414	Pine-Oak-Cabbage Palm	2.37
422	Brazilian Pepper Thicket	3.58
427	Oak-Cabbage Palm Hammock	2.68
743	Cement Rubble	0.40
8145	Abandoned Roadway	0.37
	<u>Wetlands (0.26 acres)</u>	
6128	Mangrove/Brazilian Pepper Wetland	<u>0.26</u>
	<b>TOTAL</b>	<b>19.53</b>



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Lee County, FL

December 19, 2003

### **4.2.2 Fish, Wildlife, Listed Species and their Habitats**

Pursuant to paragraph 4.1.1(a), an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to:

- (a) the abundance and diversity of fish, wildlife and listed species; and
- (b) the habitat of fish, wildlife and listed species.

In evaluating whether an applicant provided reasonable assurances under subsection 4.2.2, de minimis effects shall not be considered adverse impacts for the purposes of this subsection.

**Response:** An endangered species survey was conducted on the subject property on December 4, 2003. The weather was partly sunny with temperatures in the low to mid 70s with a moderate breeze. The following information provides you with the details of the survey methodology and the results.

#### **Endangered Species Survey Methodology:**

The entire project site has been field surveyed for endangered species using a modification of the transect line methods established by the Florida Fish and Wildlife Conservation Commission. The modified survey methodology has proven effective in covering 90-95% of the sites surveyed. The modified strip census uses meandering transect lines at 100' - 150' intervals. The meanders extend into adjoining transect lines to provide a near 100% coverage. The ground cover and visibility determine the frequency of the meanders. More densely vegetated areas receive a greater frequency of meanders, thus decreasing the area between meanders in some habitats to as near as 12' apart. If the terminus flagging markers of the transect lines are not visible, then survey flagging tape is attached to vegetation at the outer extent of the transect meanders to mark the coverage area for that transect. The visibility of the flagging tape assists in maintaining the transect direction, and is used as a gauge for determining the frequency of meanders within a transect area. Each tape must be visible from the previous meander. On the subsequent transects, the flagging tape is removed and relocated at the outer limits of its transect area. Faunal species which do not lend themselves to the typical transect line survey methodology, typically used for determining stationary floral and faunal species, require an additional method of observation. These species can be best observed by using game stalking techniques and periodic observations with field glasses at frequent intervals along transect lines. The frequency and duration of observations are determined



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Lee County, FL  
December 19, 2003

by habitat density, species observed, and the stalking skills of the observer. The ability to blend into the surroundings is another key requirement for success.

Any species observed were noted on an aerial photograph as to location and number of species sighted. Species presence and abundance on a given site cannot be determined for all species listed. Therefore, fauna which are mobile, transient, or deceptive are not always observed during a typical field survey such as required by Lee County. This is especially true for species abundance. Therefore, the status of each species is listed as to presence and numbers observed, and those species that can be reasonably surveyed for abundance are provided with such data.

**Listed Endangered, Threatened or Species of Special Concern**

**Upland Species List:**

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Obs.</u></b>	<b><u>Comments</u></b>
Eastern indigo snake	<i>Drymarchon corais couperi</i>	no	not observed
gopher tortoise	<i>Gopherus polyphemus</i>	no	not observed
gopher frog	<i>Rana areolata</i>	no	not observed
merlin (pigeon hawk)	<i>Falco columarius</i>	no	not observed
S'eastern American Kestrel	<i>Falco sparverius paulus</i>	no	not observed
red-cockaded woodpecker	<i>Picoides borealis</i>	no	not observed
Florida panther	<i>Felis concolor coryi</i>	no	not observed
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	no	not observed
Florida black bear	<i>Ursus americanus floridanus</i>	no	not observed
Curtis Milkweed	<i>Asclepias curtissii</i>	no	not observed
Fakahatchee burmannia	<i>Burmannia flava</i>	no	not observed
satinleaf	<i>Chrysophyllum olivaeforme</i>	no	not observed
beautiful pawpaw	<i>Deeringothamus puichellus</i>	no	not observed
Florida coontie	<i>Zamia Floridaana</i>	no	not observed

**Wetland Forest Species List:**

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Obs.</u></b>	<b><u>Comments</u></b>
American alligator	<i>Alligator mississippiensis</i>	no	not observed
gopher frog	<i>Rana areolata</i>	no	not observed
marsh hawk (n'thrn harrier)	<i>Circus cyaneus</i>	no	not observed
little blue heron	<i>Egretta caerulea</i>	yes	along waterfront
snowy egret	<i>Egretta thula</i>	yes	along waterfront
tricolored heron	<i>Egretta tricolor</i>	no	not observed
white ibis	<i>Eudocimus albus</i>	no	not observed
wood stork	<i>Mycteria americana</i>	no	not observed
snail kite	<i>Rostrhamus sociabilis</i>	no	not observed
Florida panther	<i>Felis concolor coryi</i>	no	not observed
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	no	not observed
Florida black bear	<i>Ursus americanus floridanus</i>	no	not observed
Everglades mink	<i>Mustela vision evergladensis</i>	no	not observed
Westt Indian Manatee	<i>Trichechus manatus</i>	no	not observed
least tern	<i>Sterna antillarum</i>	no	not observed
giant leather fern	<i>Acrostichum spp.</i>	yes	within the wetland



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Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

### **Endangered Species Survey Results and Conclusion:**

No listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey. However, the giant leather ferns were found within the tidal portion of the wetlands and will not be impacted by any proposed development. During other site visits there were wading birds observed along the edges of the Orange River waterfront, and on the uplands adjacent to it. These birds consisted of two little blue herons and one snowy egret. No other species were observed, but species which might be expected to be found during some portion of the year are alligators, manatees, white ibis, tricolor heron, woodstork, and possibly a kestrel.

It should be noted that the Orange River has one of the largest populations of wintering West Indian manatees (*Trichechus manatus*) in the State of Florida. This is attributed to the Florida Power and Light Company discharging warm water into the river from their power generator cooling facilities. During cold weather the manatee migrate up the Caloosahatchee River to seek warmth from this artificial heat source. Therefore, we can also assume that manatees will venture into the marina areas during warmer periods. Any proposed activity associated with the Marina will require a manatee protection plan as part of the permit application.



# TICE FIRE & RESCUE DISTRICT

**Chief**  
**Gregory A. Bradley**  
**(239) 694-2380**

**5170 Tice Street**  
**Ft. Myers, Fl. 33905**  
**Fax (239) 694-7399**

February 4, 2004

**VIA FACSIMILE & FIRST CLASS MAIL**

**Michael E. Roeder, AICP**  
**Knott, Consoer, Ebelini, Hart & Swett, P.A.**  
**1625 Hendry Street**  
**Post Office Box 2449**  
**Fort Myers, Florida 33902-2449**

**Re: Small Scale Plan Amendment for Hansen Marina**

**Dear Mr. Roeder:**

**In regards to the above-referenced property, Tice Fire District has no objections to the proposed amendment at this time.**

**We will request and anticipate incorporating any of our needs between the developer and our District as the development of the project proceeds.**

**If you have any questions, please give me a call.**

**Sincerely,**

  
**Gregory A. Bradley**  
**Fire Chief**

**GAB/rs**





# LEE COUNTY

## SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob James  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yeager  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

239-335-1600

Writer's Direct Dial Number: [wilsonjd@leegov.com](mailto:wilsonjd@leegov.com)

January 5, 2004

Mr. Michael E. Roeder, AICP  
Director of Zoning & Land Use Planning  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street  
Fort Myers, FL 33901

**Re: Written Determination of Adequacy for EMS Services for a  
land use amendment for a proposed 10 acre (STRAP 34-43-25-00-  
00010.0000) residential development.**

Dear Mr. Roeder: *Michael*

Lee County Division of Public Safety/Emergency Medical Services has reviewed your letter dated December 23, 2003, reference to a proposed 10 acre residential development with a build out population of approximately 200 people in 5-story condominium buildings.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY

*John Wilson*  
John Wilson, Director  
Lee County Division of Public Safety

JDW/GDW



*Office of the Sheriff  
Rodney Shoap*



*County of Lee  
State of Florida*

January 2, 2004

Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

REC  
Kno

AM JAN 07 2003 PM  
7 8 9 10 11 12 1 2 3 4 5 6

RE: Small Scale Plan Amendment for Hansen Marina  
Strap # 34-43-25-00-00010.0000

Dear Mr. Roeder:

The proposed development regarding 10 acres of residential property, which should have a buildout of approximately 200 people, in 5-story condominium buildings in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

Major Dan Johnson  
Planning and Research

Copy: File  
DJ/jr





**LEE COUNTY**  
**SOUTHWEST FLORIDA****BOARD OF COUNTY COMMISSIONERS**Bob Janes  
*District One*Douglas R. St. Cerny  
*District Two*Ray Judah  
*District Three*Andrew W. Coy  
*District Four*John E. Albion  
*District Five*Donald D. Stilwell  
*County Manager*James G. Yaeger  
*County Attorney*Diana M. Parker  
*County Hearing Examiner*

239-277-5012 x2233

Writer's Direct Dial Number: \_\_\_\_\_

January 13, 2004

Mr. Michael E. Roeder, AICP  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street  
Third Floor  
Fort Myers, FL 33901

**RE: SMALL SCALE PLAN AMENDMENT FOR HANSEN MARINA**

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for the above mentioned amendment request. We currently provide service on Palm Beach Boulevard 7 days a week with our Route 100. Service frequencies Monday through Friday are approximately 30 minutes, which provides good service to this corridor. We have a bus stop at Louise Street on both sides of the road, and we anticipate this service to remain at its current level and increase in frequency in years to come. This will be sufficient public transportation service to the Hansen Marina site. As a general rule, public transportation works more efficiently with higher densities such as the Central Urban designation.

If you have any further questions or comments, please call me or e-mail me at [mhorsting@leegov.com](mailto:mhorsting@leegov.com).

Sincerely,

TRANSIT DIVISION

Michael Horsting  
Transit Planner



**LEE COUNTY**  
**SOUTHWEST FLORIDA****BOARD OF COUNTY COMMISSIONERS**

(941)479-8181

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District OneDouglas R. St. Cerny  
District TwoRay Judah  
District ThreeAndrew W. Coy  
District FourJohn E. Albion  
District FiveDonald D. Stilwell  
County ManagerJames G. Yaeger  
County AttorneyDiana M. Parker  
County Hearing  
Examiner

January 23, 2004

Ray Brotbeck  
Hole Montes, Inc.  
6202-F Presidential Court  
Fort Myers, Fl. 33907

**RE: POTABLE WATER AND WASTEWATER AVAILABILITY**  
**LEEWARD YACHT CLUB, 5501 AND 5605 PALM BEACH BLVD.**  
**34-43-25-00-00006.0000, 34-43-25-00-00009.0000,**  
**34-43-25-00-00010.0000 AND 34-43-25-00-00008.0010,**

Dear Brotbeck:

Department of Lee County Utilities has Potable water and wastewater lines are in operation in the vicinity of the above-mentioned parcels. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

**FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTEWATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.**

Sincerely,

**LEE COUNTY UTILITIES**Mary McCormic  
Engineering Tech., Senior  
UTILITIES ENGINEERINGVIA FACSIMILE  
Original Mailed

LEEWARD YACHT CLUB.doc





**TRAFFIC CIRCULATION ANALYSIS**  
**PREPARED FOR A**  
**COMPREHENSIVE PLAN AMENDMENT**  
**FOR THE**  
**LEEWARD YACHT CLUB PARCEL**

**PROJECT NO. 0401.01**

**PREPARED BY:**  
**Metro Transportation Group, Inc.**  
**12651 McGregor Boulevard, Suite 4-403**  
**Fort Myers, Florida 33919-4489**  
**239-278-3090**

**January 15, 2004**





## CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED PLAN AMENDMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. IMPACTS OF PROPOSED PLAN AMENDMENT
- VII. CONCLUSION





## **I. INTRODUCTION**

Metro Transportation Group, Inc. (Metro) has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from General Commercial Interchange to Central Urban on the subject site. The property is located on the north side of Palm Beach Boulevard (State Route 80), immediately east of Interstate 75 in Lee County, Florida. The site location is illustrated on **Figure 1**.

The following report will examine the impacts of changing the future land use category from General Interchange to Central Urban, which is actually a less intense land use category based on the Lee County Comprehensive Plan.

## **II. EXISTING CONDITIONS**

The subject site is currently occupied by the Leeward Yacht Club and marina. The site is bordered to the north and east by the Orange River, to the south by Palm Beach Boulevard, to the west by single family residential home.

**Palm Beach Boulevard** is a six-lane divided arterial roadway that extends through central Lee County on the south side of the Caloosahatchee River. Palm Beach Boulevard has a posted speed limit of 45 mph adjacent to the subject site and is under the jurisdiction of the Florida Department of Transportation (FDOT).

## **III. PROPOSED PLAN AMENDMENT**

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from General Commercial Interchange to Urban Community. Based on the permitted uses within the Lee Plan for these land use designations, the change would result in the subject site being developed with less intense uses than would otherwise be permitted under the existing land use designation. Based





PROJECT LOCATION MAP  
LEEWARD YACHT CLUB

Figure 1





on the existing land use designation, retail commercial uses could be constructed on the site. Based on the size of the property, approximately 100,000 square feet of retail uses could be constructed on the subject property.

With the proposed land use change, the most intense uses that could be constructed on the site would be approximately 100 multi-family units (just under ten (10) acres with approximately ten (10) units per acre). This is more intense than a single-family subdivision would be since more units would be able to be constructed under a multi-family unit scenario. Table 1 highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation. It should be noted that the marina and boat slips are and will continue to be existing uses permitted on the subject site. Since the intensity of these uses will not change, the marina and boat slips were not considered in the analysis.

**Table 1**  
**Leeward Yacht Club**  
**Future Land Uses**

Land Use Category	Intensity
General Commercial Interchange	100,000 s.f. Retail
Central Urban	100 Multi-Family Units

#### **IV. TRIP GENERATION**

The trip generation for the uses was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7<sup>th</sup> Edition. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation of the multi-family units and Land Use Code 820 (Shopping Center) was utilized for the commercial retail uses. The trip generation equations for these uses are located in the Appendix of this report for reference. Table 2 indicates the number of trips anticipated to be generated by the land uses permitted under the existing land use designation and the land uses permitted under the proposed land use designation.





**Table 2**  
**Trip Generation Comparison**  
**Existing Land Use Designation vs. Proposed Land Use Designation**  
**Leeward Yacht Club**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Existing Land Use Retail (100,000 square feet)	95	60	155	300	325	625	6,790
Proposed Land Use Multi-Family (100 units)	10	40	50	40	20	60	640

The retail trips shown in Table 2 will not all be "new" trips to the adjacent roadway system. ITE estimates that a retail center use of comparable size may attract as much as forty to fifty percent (40% to 50%) of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Lee County permits a maximum reduction of trips due to "pass-by" of thirty percent (30%).

Table 3 summarizes the "pass-by" percentage used for this analysis. Table 4 summarizes the retail trips and the breakdown between the new trips the retail uses would generate and the "pass-by" trips the retail uses would attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

**Table 3**  
**Trip Reduction Factors**  
**Leeward Yacht Club**

Land Use	Percentage Trip Reduction
Retail – Pass-by	30%





**Table 4**  
**Trip Generation – New Trips**  
**Exiting Land Use Designation**  
**Leeward Yacht Club**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail Trip Generation	95	60	155	300	325	625	6,790
Less Pass-by Traffic	-30	-20	-50	-90	-100	-190	-2,040
New Trips (Retail)	65	40	105	210	225	435	4,750

## **V. TRIP DISTRIBUTION**

An anticipated trip distribution onto the surrounding roadway system was then formulated based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown in **Table 1A** in the Appendix of this report.

## **VI. IMPACTS OF PROPOSED PLAN AMENDMENT**

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

### **Long Range Impacts (20-year horizon)**

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 200. The model has both productions and attractions included in this zone. The productions





basically include the existing single family homes that border the subject site to the west. The attractions include industrial employment, commercial employment and service (retail) employment. Based on the latest conversion factors used by Lee County, the employment numbers included in the long range transportation model (FSUTMS) were converted to floor areas. Based on this conversion, the TAZ in the long range transportation model includes the land uses identified in Table 5.

**Table 5**  
**TAZ 200**  
**Land Uses in Existing Travel Model (2020)**

Land Use Category	Intensity
Industrial	20,000 s.f.
Office	7,000 s.f.
Services (Retail)	8,400 s.f.

Trip generation was computed for the uses shown in Table 5. The trips were calculated based on data contained in the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7<sup>th</sup> Edition. Land Use Code 110 (Light Industrial) was utilized for the trip generation of the industrial use, Land Use Code 710 (General Office) was used for the office use and Land Use Code 820 (Shopping Center) was utilized for the commercial retail uses. The trip generation equations for these uses are located in the Appendix of this report for reference. Table 6 indicates the number of trips that would be generated based on ITE for the land uses included in the Long Range Transportation Model (FSUTMS). The retail trips shown were also reduced by the 30% pass-by reduction factor, as done under the previous scenario.

**Table 6**  
**Trip Generation**  
**TAZ 200 Land Uses**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail (8,400 square feet)	15	10	25	45	40	85	950
Industrial (20,000 s.f.)	15	5	20	5	15	20	135
Office (7,000 s.f.)	15	5	20	0	10	10	170
Total	45	20	65	50	65	115	1255





Comparing the trips from the proposed land use designation (multi-family units) in Table 2 to the number of trips estimated for the uses in the long range transportation model in Table 6, the trip generation would be reduced with the proposed land use change.

Therefore, there are no improvements necessary to the long range transportation plan as a result of the change in land use designation from General Interchange to Urban Community. The trip generation based on ITE for the land uses under the proposed land use is less than the trip generation of the uses contained in the long range transportation model.

#### **Short Range Impacts (5-year horizon)**

The Lee County Capital Improvement Program for Fiscal Year 2003/2004 to 2007/2008 was reviewed, as well as the FDOT Draft Tentative Work Program for Fiscal Year 2004/2004 to 2008/2008 to determine the short term impacts the proposed land use change would have on the surrounding roadways.

Improvements in the FDOT Tentative Work program include modifications to Palm Beach Boulevard west of I-75 to add a landscape median and provide access management improvements to this area. This project will not reduce the capacity of this roadway but will most likely improve the operations of this segment of roadway. This improvement is funded for construction is 2005/2006.

In addition, FDOT has funded for design, engineering and right-of-way an improvement to the Palm Beach Boulevard interchange with I-75. Construction is not yet funded in the 5-year work program. I-75 from Palm Beach Boulevard to Lockett Road also has funding in the 5-year program for design, engineering and right-of-way, but no construction funding.

There are no improvements in the area of the subject site in the adopted Lee County 5-year capital improvement program.





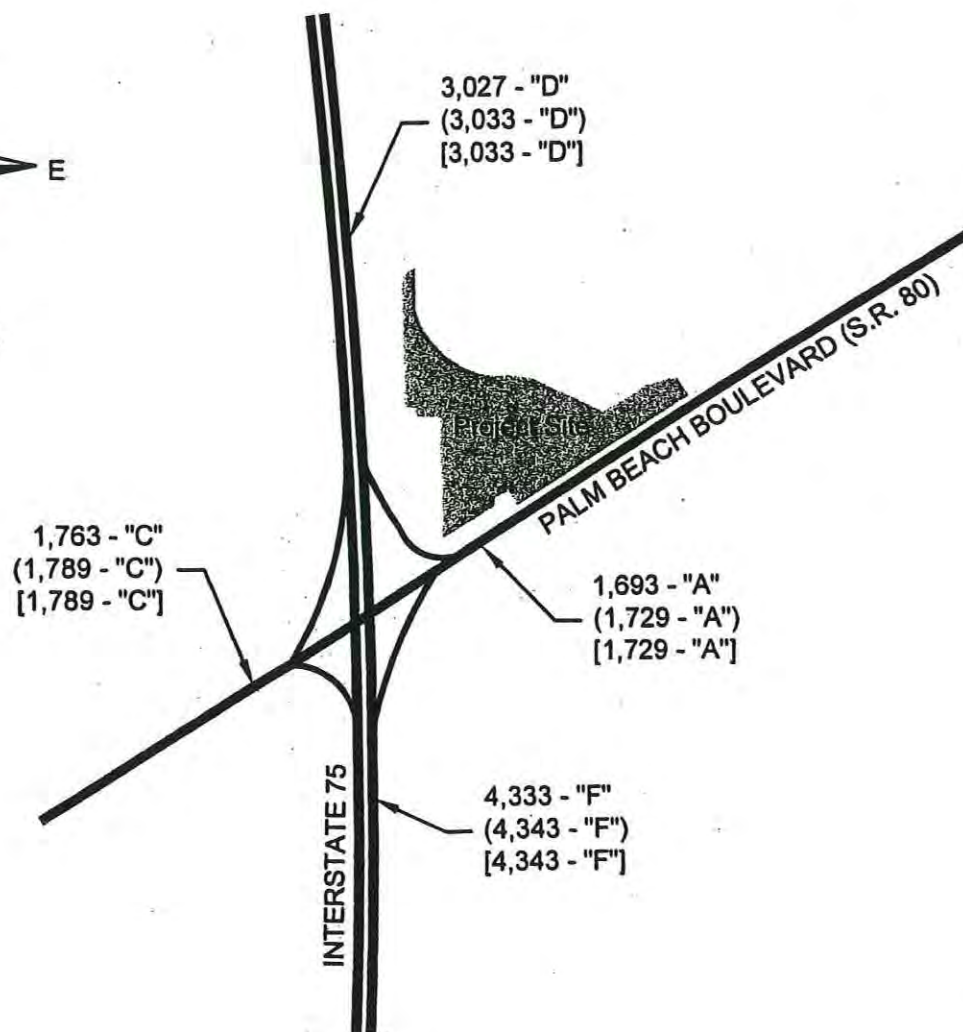
### **Level of Service Analysis**

Based on the anticipated trip generation of the property under the proposed land use change, the roadway links in the vicinity of the site were analyzed based on the 100<sup>th</sup> highest hour, peak season, peak direction volume. The Link Specific Service Volumes, as developed by Lee County, were used to determine the future Level of Service on these roadways both with and without the project in the year 2008. **Table 2A**, contained in the Appendix of the report, outlines the methodology used in determining the 2008 traffic volumes as well as the growth rate utilized for each roadway segment.

**Figure 2** indicates the year 2008 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on **Figure 2** is the Peak Hour, Peak Direction volume and Level of Service of each link should no development occur on the subject site and the peak hour volume and Level of Service for the weekday A.M. and P.M. peak hours with the traffic from the land use modification added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.

Based on the data from **Table 2A**, the proposed comprehensive plan amendment to modify the future land use designation from General Interchange to Urban Community will not impact the short term roadway infrastructure or the adopted or tentative work programs for Lee County and FDOT.





#### LEGEND

XXX - "C" PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION

(XXX - "C") PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND  
TRAFFIC PLUS AM PROJECT TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION

[XXX - "C"] PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND  
TRAFFIC PLUS PM PROJECT TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION

100TH HIGHEST HOUR  
LEVEL OF SERVICE ANALYSIS

Figure 2





## VII. CONCLUSION

The proposed comprehensive plan amendment to modify the future land use from General Interchange to Urban Community on just under ten (10) acres located at the northeast corner of I-75 and Palm Beach Boulevard will not have an adverse impact on the long term or short term transportation network. The trip generation as a result of the land use change will actually be less intensive than it would under the existing land use designation. Although more destination trips will be generated, the total number of "new" trips added to the roadway network will actually be less than they would be under the existing land use designation.

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# APPENDIX



## **TABLE 1A & 2A**



**TABLE 1A**  
**PEAK DIRECTION**  
**PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES**  
**WITH PROPOSED COMP PLAN AMENDMENT**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 50 VPH      IN=      10      OUT=      40  
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 60 VPH      IN=      40      OUT=      20

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
I-75	S. of Palm Beach Blvd	4LF	1130	1840	2660	3440	3910	25.0%	10	0.4%
	S. of Bayshore Road	4LF	1130	1840	2660	3440	3910	15.0%	6	0.2%
Palm Beach Blvd. (S.R. 80)	E. of Ortiz	6LN	0	1220	2730	2970	3040	65.00%	26	1.0%
	E. of I-75	6LN	2570	3070	3080	3080	3080	90.00%	36	1.2%

Service Volumes taken from Lee County Link Specific Service Volume Tables for Arterials (Sept. 2003)  
I-75 Service Volumes taken from FDOT Quality/LOS Manual (2002)



**TABLE 2A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS  
WITH PROPOSED COMP PLAN AMENDMENT**

TOTAL PROJECT TRAFFIC AM =		50	VPH	IN =	10	OUT=	40	I-75		<u>K-100</u>	<u>D</u>
TOTAL PROJECT TRAFFIC PM =		60	VPH	IN=	40	OUT=	20			0.0981	0.557

<sup>1</sup> The 2003 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2002/2003-2003/2004 Lee County Concurrency Report

**100th Highest Hour Level of Service Analysis**

		2008	2008
		WITHOUT PROJECT	WITH PROJECT
		<u>LOS</u>	<u>LOS</u>
I-75	S. of Palm Beach Blv	F	F
	S. of Bayshore Road	D	D
Palm Beach Blvd. (S.R. 80)	E. of Ortiz	C	C
	E. of I-75	A	A



# **TRIP GENERATION EQUATIONS**



**TRIP GENERATION EQUATIONS  
LEEWARD YACHT CLUB  
TRIP GENERATION EQUATIONS**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Shopping Center (LUC 820)	$\ln(T) = 0.60 \ln(X) + 2.29$	$\ln(T) = 0.66 \ln(X) + 3.40$	$\ln(T) = 0.65 \ln(X) + 5.83$
T = Trips, X = 1,000 s.f. GLA			
Multi-Family (LUC 230)	$\ln(T) = 0.80 \ln(X) + 0.26$	$\ln(T) = 0.82 \ln(X) + 0.32$	$\ln(T) = 0.85 \ln(X) + 2.55$
T = Trips, X = # of Units			
Light Industrial (LUC 110)	$T = 1.18 (X) - 89.28$	$T = 1.43 (X) - 163.42$	$T = 7.47 (X) - 101.92$
T = Trips, X = # 1,000 s.f. GLA			
Office (LUC 710)	$\ln(T) = 0.80 \ln(X) + 1.55$	$T = 1.49 (X)$	$\ln(T) = 0.77 \ln(X) + 3.65$
T = Trips, X = 1,000 s.f. GLA			



#### **Attachment IV.A.**

**3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.**

The subject property is located adjacent to an existing single family residential subdivision - Dos Rios - to the west, the existing Manatee World commercial facility to the east, Palm Beach Boulevard (S.R. 80) to the south, and the Orange River and Bayou to the north. The majority of the subject property is currently vacant, except for an existing marina and boat docks along the north property boundary at the Orange River Bayou.

The proposed land use change, from General Commercial Interchange to Urban Community, will allow for a residential-type project that will blend well with the existing nature of the surrounding property, being existing residential and marina uses.

**4. Map and describe existing zoning of the subject property and surrounding properties.**

The subject property currently consists of AG-2, IM, and C-1 zoning categories, and is surrounded by RS-1 to the west, with C-1, CPD and MH-2 to the south and southeast, and AG-2 and MH-2 to the north and northeast.





CPA2004-13

# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

RECEIVED  
SEP 29 2005

COMMUNITY DEVELOPMENT

September 28, 2005

Brandi Gonzalez  
Lee County Planning  
P.O. Box 398  
Fort Myers, FL 33902-0398

Re: CPA 2004-13 I-75 and S.R. 80

Dear Ms. Gonzalez:

Thank you for the opportunity to review the future land use amendment for northeast quadrant of the I-75 and S.R. 80 regarding the educational impacts this amendment will have on the Lee County School District.

Based on the proposed maximum total of 412 units the Lee County School District will estimate the impact using the generation rate of 0.109 students for multi-family residential dwelling units, or .352 generation rate for single family residential dwelling units. 412 *multifamily* dwelling units would generate 45 new students creating a need for 2 new class rooms. 412 *single family* dwelling units would generate 145 new students creating a need for 6 new class rooms. In addition to the classrooms the Lee County School District would have a need for increasing staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, residential development in the northeast quadrant of the I-75 and S.R. 80 will create the payment of impact fees to maintain the appropriate levels of service for expanding capacity with Lee County School District.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 335-1415.

Sincerely,

Tina Silcox, Community Development Planner  
Planning Department

ELINOR C. SCRICCA, Ph.D.  
CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
VICE CHAIRMAN • DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

JANE E. KUCKEL, Ph.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

Attachment 7

**DISTRICT VISION**

TO BE A WORLD-CLASS SCHOOL SYSTEM

**DISTRICT MISSION**

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT



**RESPONSE TO ORC**  
**CPA-2004-13**

LEEWARD YACHT CLUB, LLC responds to DCA's Objections to CPA2004-13 as follows:

1. **DCA Statement:** "With respect to the proposal to change the land use designation on 41.28 acres of land located in the northeast quadrant from General Commercial Interchange to Urban Community the public facilities analyses for the amendment did not quantify the impact of the proposal on schools. There is a general statement in the staff report that according to the School Board, the amendment will not have any impact on schools; however, it would be appropriate to show how the analysis of the impact on schools was derived in order to substantiate the statement."

**Response:** The Lee County planning staff recommendation for this amendment was to amend the FLUM in the southeast and southwest quadrants of the interchange to add property to the General Commercial Interchange category, while retaining the status quo on the northeast quadrant. As a result, the staff recommendation reduced the capacity of the FLUM by 362 units, which, from staff's perspective, eliminated the need to provide a detailed school impact analysis.

The objection indicates that the proposed amendment to the northeast quadrant has the potential to add 412 units to the capacity of the FLUM. While this is a completely unrealistic real world scenario (see below), if it is assumed to be true, the net impact of the amendment to the school system is as follows:

412 units - 362 units = 50 units added to FLUM  
50 units x .352 students/unit (School Board figure) = 18 students,  
which is de minimis, particularly in light of the mitigation  
requirements in LDC Chapter 2.

2. **DCA Statement:** "Above all, the proposal is inappropriate because the site is not suitable for the proposed designation. The subject site is located within the coastal high hazard area, and according to Map 9, of the Lee Plan, is within the 100-year floodplain that is subject to tidal flooding."

**Responses:**

- A. SWRPC staff has confirmed that the exact location of the line separating the category 1 and 2 evacuation zones is the 5.3 foot contour line. A graphic showing this line and the elevations throughout the property is attached as Exhibit "A". The map clearly shows that a substantial portion of the northeast



quadrant is not in the CHHA.

- B. Property even more seaward of the CHHA line immediately abutting the subject property is designated Central Urban on the FLUM (Exhibit "B" attached).
  - C. There is no history of severe flooding on the property, even during hurricanes. See Exhibit "C" attached.
  - D. The subject property immediately abuts two principal evacuation routes, I-75 (north/south) and S.R. 80 (east-west).
  - E. Residential development on the site will be subject to evacuation and shelter mitigation requirements in the LDC (Chapter 2, Article XI) and must comply with the Florida Building Code and local floodplain regulations.
3. **DCA Statement:** "This proposal has the potential to allow up to 412 dwelling units in this coastal high hazard area and would consequently expose a substantial population to the dangers of a hurricane and flooding."

**Response:** The 412 unit figure assumed that the entire parcel will be redeveloped at the maximum total density, including bonuses. As noted above, however, a portion of the property is not located in the CHHA. The 41.2 acre figure also includes roads and a platted single-family residential subdivision, Dos Rios, which clearly will not be obliterated and redeveloped within the 2020 timeframe of the Lee Plan. A more appropriate worst case scenario calculation, therefore, is 11.9 acres (see Exhibit "D" attached) x 10 units/acre, or 119 units, which is less than 30 percent of the figure cited in the Objection.

4. **DCA Statement:** "The proposal is, therefore, inconsistent with the state's requirement that comprehensive plans direct population concentration away from known or predicted coastal high hazard areas, and also inconsistent with the requirement that future land uses be coordinated with appropriate topography, including flood prone areas."

**Response:** The statutes and rules cited at the end of the Objection (text included as Exhibits "E" and "F") do not contain any absolute prohibition against density increases in the CHHA. The facts and circumstances of this particular case warrant approval of the residential use. The facts include the items listed under #2 above, as well as the following:

- A. The proposed amendment will facilitate a mixed use development which is encouraged by Goal 4 and Objective 21.4 of the Lee Plan;

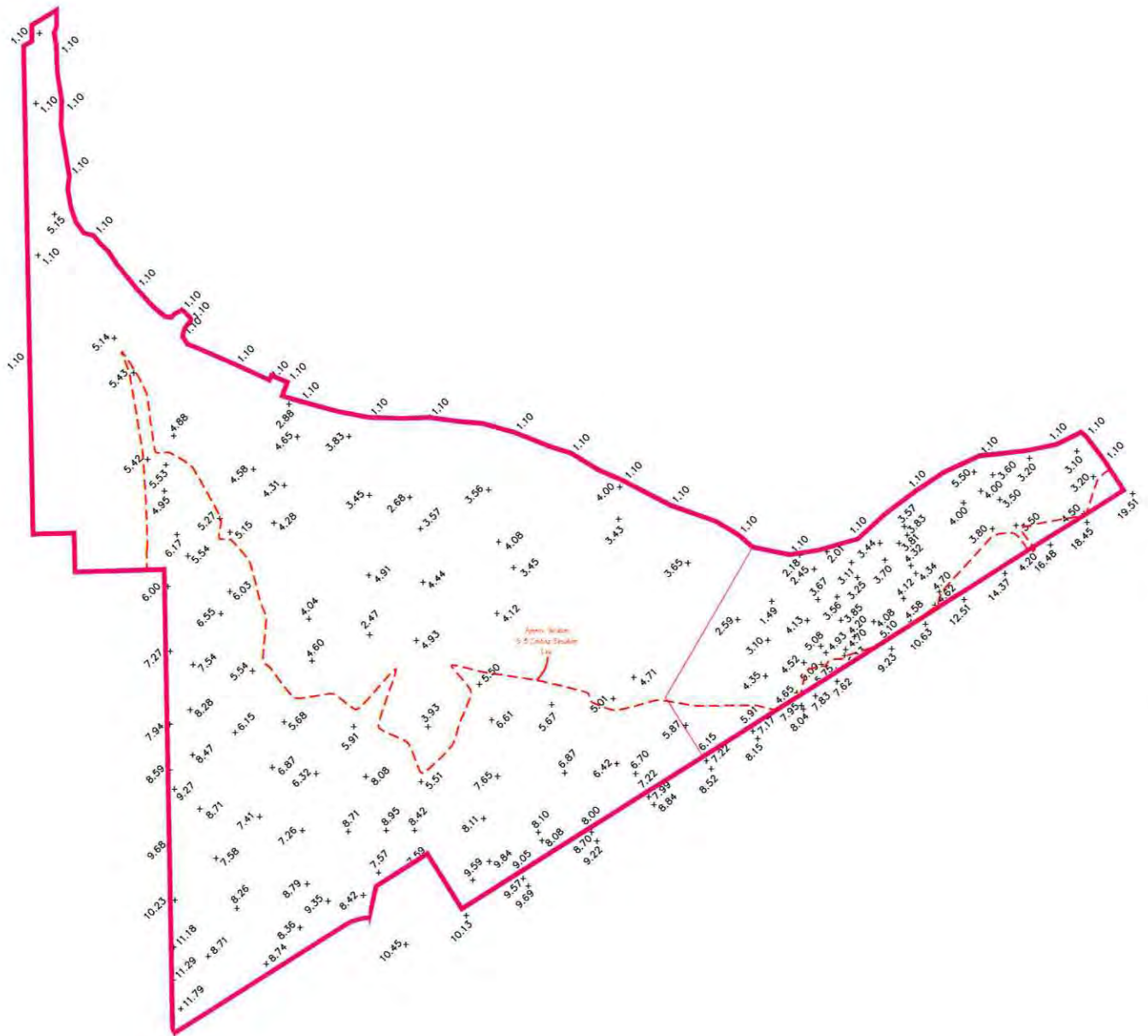


- B. A residential use on the parcel will be subject to the standard LDC 40 percent general open space and 20 percent indigenous open space requirements, while the standards for commercial uses are 30 and 15 percent, respectively;
  - C. The residential use would be more compatible with the single-family units to the west than a commercial use, which is mandated by the General Commercial Interchange category; and
  - D. The proposed residential use would generate less off-site traffic than the currently-required commercial uses.
5. **DCA Statement:** “Lee Plan Policy 75.1.4 requires that the County limit the future population exposed to coastal flooding by assigning reduced density categories to properties within the coastal high hazard area. Goal 75 of the Lee Plan calls for the protection of human life and developed property from natural disasters, and Objective 75.1, mandates a reduced density for properties located within coastal high hazard areas. The proposed designation of Urban Community for this site is inconsistent with Objective 75.1 and Policy 75.1.4 and would not further Goal 75. The current designation of General Commercial Interchange that does not allow residential uses is clearly appropriate for this site and it is consistent with Policy 75.1.4, as well as with Objective 75.1, and furthers the intent of Goal 75.”

**Response:** The cited Lee Plan Goals, Objectives and Policies (Exhibit “G” attached; please note that the numbers have changed due to a recodification) clearly do not, on their face, absolutely prohibit density increases in the FLUM. Objective 105.1 (formerly 75.1), for example, only directs the County to “consider” reducing densities in the CHHA. Furthermore, the County has on several occasions, including September 19, permitted bonus density on parcels within the CHHA based on an evaluation of all of the facts of individual cases. There is no logical distinction between bonus density approvals and Lee Plan amendments increasing density in the CHHA.



# EXHIBIT "A"



SCALE: 1" = 250'

LEEWARD YACHT CLUB  
Topographic / 5.3 Contour Elevation Exhibit



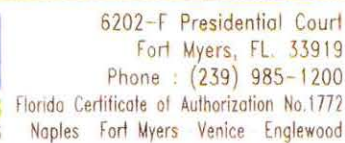
6200 Whiskey Creek Drive  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Florida Certificate of Authorization No.1772  
Naples · Fort Myers · Venice · Englewood





## EXHIBIT 1B

DECEMBER, 2003



6202-F Presidential Court  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Certificate of Authorization No.1772  
Fort Myers Venice Englewood



## EXHIBIT "C"

### Analysis of Historical Storm Water Levels at Leeward Yacht Club properties By Pat Riley, P. E.

Historical data was obtained in conversation with Ernest Hansen, owner of Hansen Marine Ways, whose family has managed the Hansen Marine Ways property since 1919. Hansen Marine Ways is part of the Leeward Yacht Club. Additionally the storms of 2004 were experienced on site by the author. The basis of the information is the floor elevation of the 1910 office/shop building which has a floor elevation of approx. 4 feet NGVD. Which is the equivalent of 3.5 feet over normal tide elevation. The family information is based on the flooding height over this floor elevation. The sea wall is 2 feet in NGVD elevation. The top of the railway is approx. 3 feet in elevation.

The elevations of the property run from approx. 3 feet NGVD to 11 feet NGVD at the far southwest corner of the property. High mean water elevation is 1.1 NGVD. Mean tide is 0.04 feet.

The storm events noted are the remembered ones, numerous hurricanes and winter storms have gone thru the site and area, but have not produced notable levels of surge and water levels.

**1936-** No Name storm This is highest record of water levels at the site, experienced by Mr. Hansen's father. The level was 7 inches over the office floor, which corresponds to a water elevation of 4.6 feet NGVD. It was commented that this level occurred at high tide and the height of storm surge.

**1960-** Mr Hansen was on site in *Hurricane Donna*... The tide level rose 3.5 feet during the hurricane. The water level did not reach the reference elevation of the office/shop floor on the site. Considerable wind damage occurred to three buildings and docks on site.

**1995-** No name Winter Storm, this storm produce record levels of water due to high western quadrant winds over 60 miles for a long period of time. Water levels rose to approx. 3.5 feet over normal tide.

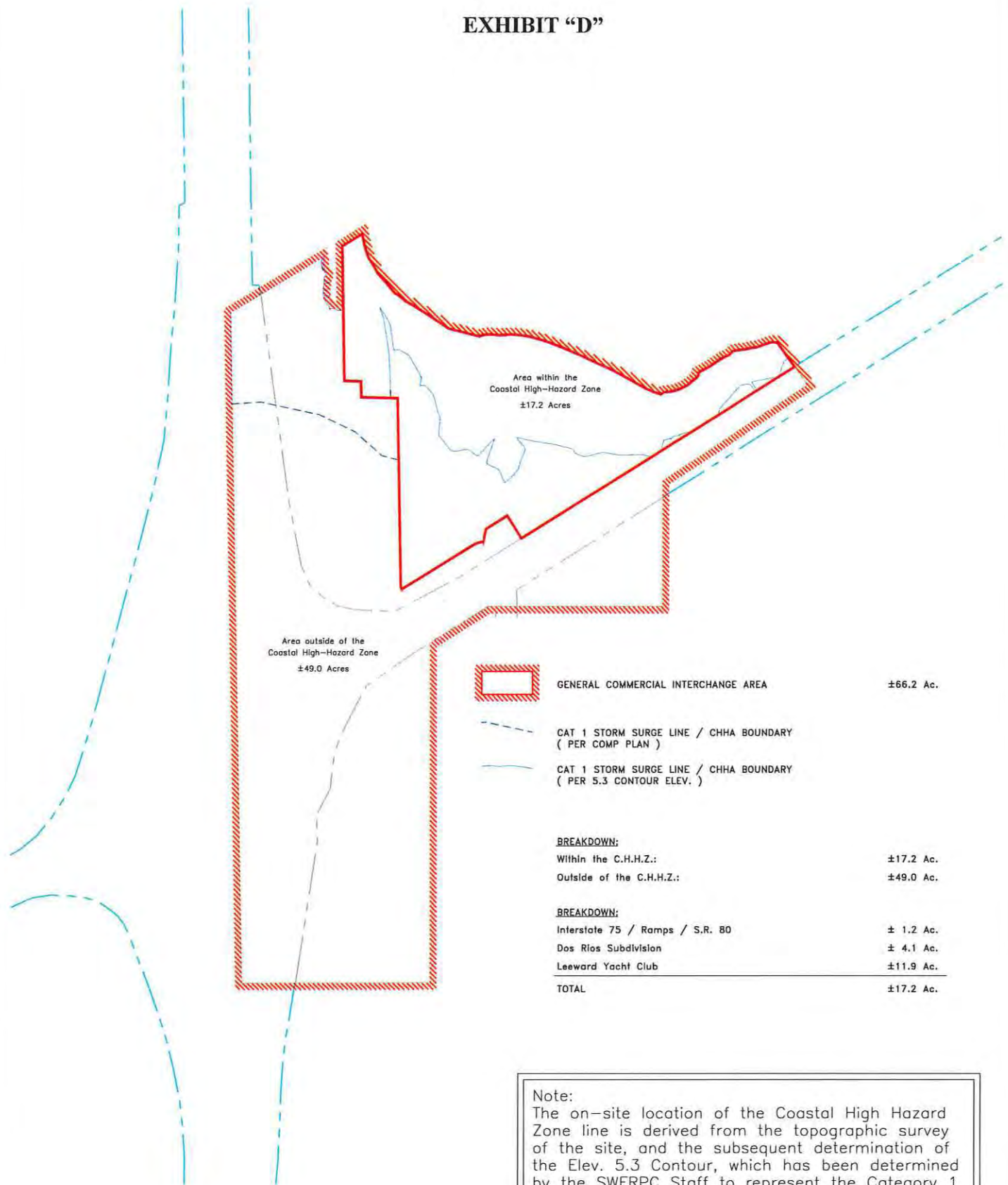
**1998-** *Hurricane Mitch* and a no-name high wind storm. *Mitch* produced 3 feet of elevation change in the water levels. The no name storm reach the reference level of the office/shop floor of 4 feet.

**2004-** Of the four major hurricanes in 2004, *Hurricane Charley* was worst. During the height of the storm and high tide, the water level raised to 4.5 feet. Actual measurements were taken in the Manatee World parking lot.

There has been approx. 14 hurricanes that have moved over southwest florida since 1995. Only *Hurricane Charley* produce any water levels that have been experienced the use of this property. Hansen Marine Ways (Menge Brothers) has been operated at this site continuously since about 1885. No storm event has occurred at this site which so completely destroyed the site, operation was not continued.



## EXHIBIT "D"



LEEWARD YACHT CLUB  
General Commercial Interchange  
with 5.3 Contour Elev. Line (Category 1 Area)



6200 Whiskey Creek Drive  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Florida Certificate of Authorization No.1772  
Naples - Fort Myers - Venice - Englewood



## **EXHIBIT "E"**

### **Florida Statutes Chapter 163**

#### **163.3177 Required and optional elements of comprehensive plan; studies and surveys.--**

**(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:**

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial



working waterfronts as defined in s. 342.07. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.
8. Protection of human life against the effects of natural disasters.



## **EXHIBIT “F”**

### **Florida Administrative Code**

#### **9J-5.003 Definitions.**

As used in this rule chapter, the terms defined in Section 163.3164, F.S., shall have the meanings provided in that section. In addition, the following definitions are provided to clarify terms used in this rule chapter and not to establish or limit regulatory authority of other agencies or programs; however, local governments may choose alternative definitions which the Department shall review to determine whether such definitions accomplish the intent of both this rule chapter and of Chapter 163, Part II, F.S. The use of definitions in this rule which were adopted by rule amendment shall not have the effect of rendering not in compliance a plan or plan amendment adopted prior to the effective date of the rule amendment, nor of changing definitions of terms used in a plan or plan amendment adopted prior to the effective date of the rule amendment.

(17) “Coastal high hazard areas” (also “high-hazard coastal areas”) means the evacuation zone for a Category 1 hurricane as established in the regional hurricane evacuation study applicable to the local government.

#### **9J-5.006 Future Land Use Element.**

The purpose of the future land use element is the designation of future land use patterns as reflected in the goals, objectives and policies of the local government comprehensive plan elements. Future land use patterns are depicted on the future land use map or map series within the element.

(2) Land Use Analysis Requirements. The element shall be based upon the following analyses which support the comprehensive plan pursuant to subsection 9J-5.005(2), F.A.C.

(b) An analysis of the character and magnitude of existing vacant or undeveloped land in order to determine its suitability for use, including where available:

1. Gross vacant or undeveloped land area, as indicated in paragraph (1)(b);
2. Soils;
3. Topography;
4. Natural resources; and
5. Historic resources;

(3) Requirements for Future Land Use Goals, Objectives and Policies.

(b) The element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(6)(a), F.S., and which:

1. Coordinate future land uses with the appropriate topography and soil conditions, and the availability of facilities and services;

(c) The element shall contain one or more policies for each objective which address implementation activities for the:



1. Regulation of land use categories included on the future land use map or map series; subdivisions; signage; and areas subject to seasonal or periodic flooding;

(4) Future Land Use Map.

(b) The following natural resources or conditions shall be shown on the future land use map or map series:

6. Coastal high hazard areas.

**9J-5.012 Coastal Management.**

The purpose of this element is to plan for and where appropriate restrict development activities where such activities would damage or destroy coastal resources, and protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(3) Requirements for Coastal Management Goals, Objectives, and Policies.

(b) The element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(6)(g) and Section 163.3178, F.S., and which:

5. Limit public expenditures that subsidize development permitted in coastal high-hazard areas subsequent to the element's adoption except for restoration or enhancement of natural resources;

6. Direct population concentrations away from known or predicted coastal high-hazard areas;

(c) The element shall contain one or more policies for each objective and shall identify regulatory or management techniques for:

7. Designating coastal high-hazard areas and limiting development in these areas;



## **EXHIBIT "G"**

**GOAL 105: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** To protect human life and developed property from natural disasters. (See also Goal 110.) (Amended by Ordinance No. 94-30)

**OBJECTIVE 105.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.**

Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)

**POLICY 105.1.4:** Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)



# TICE FIRE & RESCUE DISTRICT

Chief  
Gregory A. Bradley  
(239) 694-2380

5170 Tice Street  
Ft. Myers, FL 33905  
Fax (239) 694-7399

February 4, 2004

VIA FACSIMILE & FIRST CLASS MAIL

Michael E. Roeder, AICP  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street  
Post Office Box 2449  
Fort Myers, Florida 33902-2449

Re: Small Scale Plan Amendment for Hansen Marina

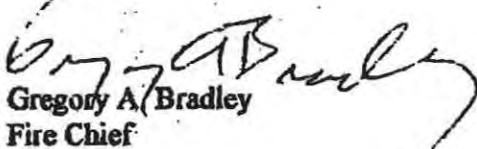
Dear Mr. Roeder:

In regards to the above-referenced property, Tice Fire District has no objections to the proposed amendment at this time.

We will request and anticipate incorporating any of our needs between the developer and our District as the development of the project proceeds.

If you have any questions, please give me a call.

Sincerely,

  
Gregory A. Bradley  
Fire Chief

GAB/rs





# LEE COUNTY

## SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob James  
District One

Douglas R. St. Camy  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stowell  
County Manager

James G. Yeager  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

239-335-1600

Writer's Direct Dial Number: [wilsonjd@leegov.com](mailto:wilsonjd@leegov.com)

January 5, 2004

Mr. Michael E. Roeder, AICP  
Director of Zoning & Land Use Planning  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street  
Fort Myers, FL 33901

**Re: Written Determination of Adequacy for EMS Services for a  
land use amendment for a proposed 10 acre (STRAP 34-43-25-00-  
00010.0000) residential development.**

Dear Mr. ~~Roeder~~ *Michael*:

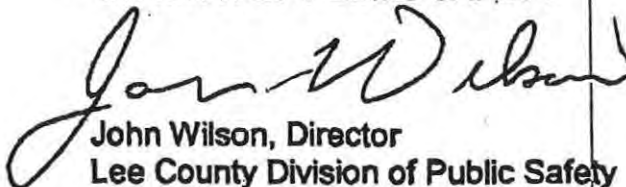
Lee County Division of Public Safety/Emergency Medical Services has reviewed your letter dated December 23, 2003, reference to a proposed 10 acre residential development with a build out population of approximately 200 people in 5-story condominium buildings.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY

  
John Wilson, Director  
Lee County Division of Public Safety

JDW/GDW



*Office of the Sheriff  
Rodney Shoap*



*County of Lee  
State of Florida*

January 2, 2004

Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

REC-  
Kno  
AM JAN 07 2003 PM  
7:8:9:10:11:12:1:2:3:4:5:6

RE: Small Scale Plan Amendment for Hansen Marina  
Strap # 34-43-25-00-00010.0000

Dear Mr. Roeder:

The proposed development regarding 10 acres of residential property, which should have a buildout of approximately 200 people, in 5-story condominium buildings in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

Major Dan Johnson  
Planning and Research

Copy: File  
DJ/jr



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406



**LEE COUNTY**  
**SOUTHWEST FLORIDA****BOARD OF COUNTY COMMISSIONERS**

239-277-5012 x2233

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District OneDouglas R. St. Cemy  
District TwoRay Judah  
District ThreeAndrew W. Coy  
District FourJohn E. Albion  
District FiveDonald D. Stilwell  
County ManagerJames G. Yaeger  
County AttorneyDiana M. Parker  
County Hearing  
Examiner

January 13, 2004

Mr. Michael E. Roeder, AICP  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street  
Third Floor  
Fort Myers, FL 33901

**RE: SMALL SCALE PLAN AMENDMENT FOR HANSEN MARINA**

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for the above mentioned amendment request. We currently provide service on Palm Beach Boulevard 7 days a week with our Route 100. Service frequencies Monday through Friday are approximately 30 minutes, which provides good service to this corridor. We have a bus stop at Louise Street on both sides of the road, and we anticipate this service to remain at its current level and increase in frequency in years to come. This will be sufficient public transportation service to the Hansen Marina site. As a general rule, public transportation works more efficiently with higher densities such as the Central Urban designation.

If you have any further questions or comments, please call me or e-mail me at [mhorsting@leegov.com](mailto:mhorsting@leegov.com).

Sincerely,

TRANSIT DIVISION

Michael Horsting  
Transit Planner





# LEE COUNTY

## SOUTHWEST FLORIDA

### BOARD OF COUNTY COMMISSIONERS

(941)479-8181

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

Douglas R. St. Camy  
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Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

January 23, 2004

Ray Brotbeck  
Hole Montes, Inc.  
6202-F Presidential Court  
Fort Myers, Fl. 33907

**RE: POTABLE WATER AND WASTEWATER AVAILABILITY  
LEEWARD YACHT CLUB, 5501 AND 5605 PALM BEACH BLVD.  
34-43-25-00-00006.0000, 34-43-25-00-00009.0000,  
34-43-25-00-00010.0000 AND 34-43-25-00-00008.0010,**

Dear Brotbeck:

Department of Lee County Utilities has Potable water and wastewater lines are in operation in the vicinity of the above-mentioned parcels. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

**FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTEWATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.**

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic  
Engineering Tech., Senior  
UTILITIES ENGINEERING

VIA FACSIMILE  
Original Mailed

LEEWARD YACHT CLUB.doc



**CPA 2004-13  
I-75 and S.R. 80 Interchange  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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BoCC Public Hearing Document  
for the  
October 12<sup>th</sup> Adoption Hearing

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**August 19, 2005**



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-13**

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
✓	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: May 18, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. STAFF RECOMMENDATION:** Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area from Intensive Development, Suburban, and Urban Community to General Commercial Interchange as depicted on Attachment 1.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The proposed land use change will not cause future road network plan changes to the 2020 Transportation Plan.



- There will be no increase in the population accommodation capacity of the FLUM. The proposed amendment will result in a population capacity reduction of 755 persons.
- The presence of I-75 has increased the number of interchange type uses mixing with established residential uses.
- The proposal will result in minimal impacts to public infrastructure and services. The proposal will in fact lower the demands on public infrastructure and services

### **C. BACKGROUND INFORMATION**

The Board of County Commissioners initiated the proposed amendment on March 22, 2005 and directed Planning staff to evaluate the future land use designations of the Interstate 75 and State Road 80 interchange quadrants, specifically the northeast quadrant and both the southeast and southwest quadrants. The study area, including the Existing Future Land Use designations of the area, are shown as Attachment 2.

Planning staff previously evaluated the southwest quadrant of this interchange area. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board voted to revisit this proposed amendment in a future amendment cycle. At that hearing, it was recommended that the analysis be broadened to include all four quadrants of the I-75 and S.R. 80 interchange.

Initiating the amendment into the current cycle allows staff to review the future land use designations for the interchange area and properly balance existing and future land use designations in this area. At the time the subject amendment was initiated staff specified the three quadrants noted above, recognizing that the future land use designations of the northwest quadrant are appropriate as they exist today. Existing land uses in the northwest quadrant include the Morse Shores single family subdivision, designated Suburban a primarily residential land use category, and commercial uses fronting S.R. 80, designated Intensive Development.

Staff began evaluating the amendment by creating three possible alternatives for the study area to bring forward to the Local Planning Agency (LPA) for discussion purposes. The alternatives discussed involved the possibilities of amending the entire northeast quadrant to Urban Community, Central Urban, or changing the designation of the existing neighborhood to Suburban and leaving the General Commercial Interchange category in place in the remainder of the quadrant. Only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange category. This remains the staff recommendation today. Alternatives discussed for the southeast quadrant involved Central Urban for the entire quadrant, the General Commercial Interchange category being proposed for the area today, or leaving the existing designations in place. At the LPA meeting, the members voted to recommend an alternative amending the entire northeast quadrant to the Urban Community category, a portion of the southwest quadrant to General Commercial Interchange as recommended by this report, and leaving the existing designations in place in the southeast quadrant. The LPA preferred this alternative based on their previous recommendation involving a privately initiated small scale amendment in the northeast quadrant. Previously the LPA recommended that the 10 acres involved in this request be amended to Urban Community.



After further review and based on the Board of County Commissioner's review of the recently proposed small scale amendment in the northeast quadrant of the interchange, staff has concluded that the future land use designations of the northeast quadrant are appropriate as they exist today. Further discussion is provided throughout the following analysis.

This report discusses the subject interchange area being evaluated as the study area. The study area encompasses approximately 124 acres. Of the 124 acres being evaluated, staff is recommending a future land use map amendment to approximately 39 acres in the southwest and southeast quadrants of the interchange. Staff is proposing that the 39 acres be amended to General Commercial Interchange as shown on Attachment 1. A little over half of the proposed change amends the future land use category covering the right-of-way areas of I-75 and State Road 80, leaving approximately 18 acres of developable land being amended. The impacts of amending the 18 acres of developable land for possible residential or commercial development are being addressed through this report, comparing existing future land use categories vs proposed. Staff has estimated, as a worst case, that the area being amended would qualify for the following based on the existing and proposed land use categories. Although the areas are already developed, staff estimates the following if redevelopment were to occur. All density calculations include bonus density and half of the adjacent right of way in order to provide the maximum scenario for evaluation. Please note that the northwest category is not included below, due to staff's recommendation that the General Commercial Interchange category remain in place.

	Southwest Quadrant	Southeast Quadrant
Existing Land Use Category	Suburban and Intensive Development	Urban Community
Possible unit or commercial development	100,000 s.f. commercial <b>or</b> 295 dwelling units	50,000 s.f commercial <b>or</b> 67 dwelling units
Proposed Land Use Category	General Commercial Interchange	General Commercial Interchange
Possible unit or commercial development	130,000 s.f. commercial 0 dwelling units	50,000 s.f. commercial 0 dwelling units

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, all three quadrants were depicted as General Commercial Interchange and a small area in the southwest quadrant was depicted as Central Urban. As part of an overall review of the future land use map in 1989, the eastern portion of the southeast quadrant was changed from General



Commercial Interchange to Urban Community. This remains the future land use category for this portion of the quadrant today. Later in 1989 Lee County formulated a comprehensive plan in order to meet the requirements of the 1985 Growth Management Act. At that time the newly formulated comprehensive plan was objected to by the Department of Community Affairs. In part, the Department of Community Affairs found that Lee County future land use categories should more closely correspond with the adopted future land use maps of the cities of Fort Myers and Cape Coral. The subject area was located within the Urban Reserve Area of Fort Myers which at that time was included on their future land use map. Lee County entered into a settlement agreement with the Department of Community Affairs and through this agreement amended the future land use designations of the southwest quadrant to the current FLUM designations for the area today.

#### **CURRENT FLUM DESIGNATIONS FOR SUBJECT INTERCHANGE QUADRANT**

Current Lee Plan Future Land Use categories for the subject area are as follows (see Attachment 2):

Future Land Use categories in the northeast quadrant are General Commercial Interchange and Central Urban. The categories in the southeast quadrant include General Commercial Interchange and Urban Community.

***POLICY 1.3.3: The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.***

***POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)***

***POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)***



Future Land Use categories in the southwest quadrant include Intensive Development and Suburban.

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6) and office uses are appropriate in these locations. As Lee County moves toward becoming a metropolitan complex of a half million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).

**POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

### EXISTING LAND USES

The subject area lies in Section 3 Township 44 South, Range 25 East and Section 34 Township 43 South, Range 25 East and is located in the northeast quadrant and both the southeast and southwest quadrants of the State Road 80 and Interstate 75 Interchange. This area is bordered by the Orange River (east of the interstate) and S.R. 80 (west of the interstate) to the north, both the Siesta and the Sun-n-Fun mobile home subdivisions to the east, vacant land and condominium development to the south, and single family residential uses to the west. I-75 extends north/south and S.R. 80 east/west through the subject area.

The study area encompasses approximately 124 acres total, accommodating a variety of uses including residential, commercial, marina, and vacant land uses. The following is a summary of land uses existing within the study area of each interchange quadrant.

Quadrant	Existing Uses	Future Land Use Designation
Northeast	Single Family Subdivision and Marina	General Commercial Interchange
Southwest	Commercial RV Sales and Single Family	Intensive Development and Suburban
Southeast	Restaurants, Hotel, Gas Stations, and Single Family	General Commercial Interchange and Urban Community

The current zoning designations for the subject area are RS-1, AG-2, IM, and CM in the northeast quadrant, CPD, CG, and RS-1 in the southwest quadrant, and CPD and AG-2 in the southeast quadrant. Surrounding zoning designations include RS-1 and AG-2 to the north, MH-1 and MH-2 to the east, AG-2 to the south and RS-1 and C-1 to the west.



## **TRANSPORTATION**

Lee County Department of Transportation (DOT) staff have reviewed the proposal and provided written comments dated May 17, 2005 (see Attachment 3). DOT offers no objection to the proposed change and have provided that "Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans."

DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion. Specific improvements (such as turning lanes) that are needed as a result of proposed development in this area will be determined through the local development order process. Providing identified improvements are the responsibility of the developer. For example, if the proposed project generates the need for turning lanes, then the developer is required to provide the turning lane at no expense to the public.

## **POTABLE WATER, SANITARY SEWER SERVICE AND SOLID WASTE**

The current condition of potable water service and sanitary sewer service in the area is discussed below:

Potable Water Service: The water system in the southwest quadrant is already in place; there are no plans for installing any major new transmission lines. The Corkscrew Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is an 8" and 6" water main on Orange River Boulevard, an 8" water main on Lexington Avenue, and a 20" water main on the north side of State Road 80 serving the area. The water system is already in place in the southeast quadrant as well and there are no plans for installing any major new transmission lines. The Olga Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is a 10" water main on Boatways Road, a 6" and 12" water main on Orange River Boulevard, and a 20" water main on the north side of State Road 80 serving the area. As new projects request service from Lee County Utilities, they are required by the Lee County Utilities Operation Manual to submit extensive hydraulic calculations for review and approval showing what impact, if any, a new project may have on existing facilities. If warranted, the new project will be required to either loop "dead end" mains or perform off-site improvements to enhance flows and, therefore, provide adequate water infrastructure to support development.

Sanitary Sewer Service: There are presently 24" and 8" sanitary sewer force mains on the north side of S.R. 80. In the southwest quadrant Lee County Utilities has 8" gravity sewer mains on Orange River Boulevard, Lexington Avenue, and Richmond Avenue. In the southeast quadrant Lee County Utilities has an 8" gravity sewer main and a lift station on Boatways Road. Lee County Utilities also has a 4" sanitary sewer force main on Boatways Road and a 12" force main on Orange River Boulevard. As with the water network, new developments are required to submit extensive hydraulic calculations for review and approval showing what impacts the new project may have on existing facilities. If warranted the developer may need to perform off-site improvements to enhance flows and provide adequate sanitary sewer infrastructure to support the development. The subject area is served by the City of Fort Myers Central Wastewater Treatment Plant via an inter-local agreement and, to date, has sufficient reserved capacity.



## **POPULATION ACCOMMODATION ANALYSIS**

The request is to change the Future Land Use Map (FLUM) category of approximately 39 acres from Intensive Development, Urban Community, and Suburban to General Commercial Interchange. Currently, the Lee Plan does not permit residential development in General Commercial Interchange areas.

The Intensive Development maximum density permits up to 22 du/acre. There are approximately 6.4 acres designated Intensive Development within the southwest quadrant. This means that a maximum of 140 dwelling units could be constructed on the property under the Intensive Development designation. Planning staff, however, believes that residential development fronting this portion of S.R. 80 is unlikely. This Intensive Development area accommodates 292 persons on the FLUM (140 du's X 2.09 persons per unit).

The Urban Community maximum density permits up to 10 du/acre. There are approximately 6.71 acres designated Urban Community within the southeast quadrant. This means that a maximum of 67 dwelling units could be constructed on the property under the Urban Community designation. Planning staff, however, believes that residential development adjacent to existing interchange type uses is unlikely. This Urban Community area accommodates 140 persons on the FLUM (67 du's X 2.09 persons per unit).

The Suburban category standard density permits up to 6 du/acre. There are approximately 25.85 acres designated Suburban within the southwest quadrant. A maximum of 155 dwelling units could be constructed on the property under the Suburban designation. This equates to a population accommodation capacity of the FLUM of 323 persons (155 du's X 2.09 persons per unit).

As mentioned above the Lee Plan does not permit residential development in General Commercial Interchange designations and therefore the proposal will not be increasing the population accommodation capacity of the FLUM. In fact, the amendment would result in a population capacity reduction of 755 persons.

## **PARKS, RECREATION AND OPEN SPACE**

Staff of the Lee County Public Works have reviewed the request and provided comments dated May 11, 2005 (see Attachment 4). Public Works staff provides the following:

*"It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."*

## **LEE COUNTY SCHOOL DISTRICT EVALUATION**

Planning staff requested that the Lee County School District evaluate the proposed redesignation and determine the adequacy of existing and future facilities to provide services to the subject area. Staff of the School District of Lee County have contacted Planning staff and provided that the proposed changes "will have no impact on the School District of Lee County."



## **SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified two soil types present on the subject parcel - 11 Myakka fine sand in all three quadrants, and 28 Immokalee sand in the northeast quadrant. The Soil Survey provides the following:

*11 - Myakka fine sand. This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.*

*28 - Immokalee sand. This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.*

## **LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)**

The subject area is located within the "Fort Myers Shores" planning community. Table 1(b) allocates a total of 257 acres for commercial use in this Planning Community. Recent planning division research indicates that 243 acres of commercial development in the "Fort Myers Shores" planning community have been developed. This research indicates that 14 additional acres can be developed for commercial use in the planning community before the year 2020. While the subject amendment consists of approximately 39 acres, as mentioned earlier in the report over half of the proposed change amends the future land use category covering right-of-way areas, leaving approximately 18 acres of developable land being amended. While the current proposal exceeds the commercial allocation by 4 additional acres, staff recognizes that these allocations will be being revised out to the year 2030 as part of the upcoming EAR based amendments. Staff assumes that there will be more commercial uses within this planning community in the future and will be addressed as part of the allocations for 2030.

## **DISCUSSION CONCERNING THE SUBJECT AREA:**

After evaluating several alternatives and discussing various development scenarios associated with each, staff recommends that the subject interchange area be amended as proposed in Attachment 1. The following is a discussion of each quadrant in the study area:

### **Northeast Quadrant**

The northeast quadrant is currently developed with the Dos Rios single family residential subdivision adjacent to I-75 to the west and marina uses to the east. The study area covers approximately 48.61 acres and is designated General Commercial Interchange with a small portion of the area designated Central Urban in the northwest corner of the quadrant.

A 10 acre portion of the existing marina within this quadrant was recently reviewed as a privately initiated small scale amendment. The applicant proposed to amend the area from the General Commercial Interchange category to the Urban Community land use category. Staff recommended denial of the proposed amendment due to the subject site's location within the Coastal High Hazard Area (CHHA) and inconsistencies with several Lee Plan policies addressing residential development in the CHHA. At the adoption hearing for the proposed amendment the majority of the Board agreed with staff's recommendation and voted not to adopt the proposed amendment. At the hearing the Board discussed the importance of maintaining the County's interchange areas for interchange type uses serving the traveling public. Staff specifically cited Lee Plan policies found under Goal 75 and 76 that prohibit residential



development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. The specific Lee Plan policies are reproduced below:

**GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** *To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)*

**OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.** *Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

**POLICY 75.1.4:** *Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

**GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.** *To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)*

**OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES.** *Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*

Upon staff's evaluation of the entire interchange and in regards to the northeast quadrant specifically, staff finds that the subject quadrant is located in the CHHA as depicted by Map 5 of the Lee Plan. Lee plan Policy 75.1.4 specifies that areas within the CHHA will be considered for reduced densities to limit the population to coastal flooding.

It is also necessary to compare the possibilities that the existing land use category allows as it specifically relates to commercial type uses with other options that would allow residential development in this quadrant. As mentioned, the area of this quadrant is approximately 48.61 acres and includes the right-of-way area of I-75 and S.R. 80. Of this total acreage figure, approximately 33 acres equate to parcel acres. Generally speaking, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. If the existing subdivision in this quadrant were excluded from this calculation the remaining area would qualify for approximately 218,500 s.f. of commercial development. Comparing this to the possibility of amending the quadrant to a residential land use category staff is using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. These two categories were presented to the LPA for discussion purposes, as well as Urban Community for a middle range. Staff estimate that if the area were placed in the Suburban category (6 units/acre) potentially 234 units could be developed, or 131 units when excluding the existing subdivision. Staff estimate that if the area were placed in the Central Urban category (15 units/acre including bonus density) potentially 495 units could be developed, or 327 units when excluding the existing subdivision.



In addition another factor to be considered while evaluating this quadrant, as was discussed and considered at the adoption hearing for the referenced small scale amendment, is the basic importance of the existing interchange land use categories in Lee County. Reports discussing interstate interchange land use during the drafting of the 1984 Lee Plan described the completion of Interstate 75 through Lee County creating unique development opportunities at the eight interchanges and the arterials leading to them. Discussions also provided that land configurations resulting in the intermixing of local and interstate travel should be discouraged.

Objective 1.3 of the Lee Plan describes the interstate highway interchange areas as specialized categories for land adjacent to the interchanges of I-75. The objective emphasizes the importance of making beneficial use of these critical access points while avoiding conflicts between competing demands. It also states that development in these areas must minimize adverse traffic impacts such as the mixing of local traffic with through traffic. Staff recognizes that the existing neighborhood in this quadrant could be considered inconsistent with this Objective of the plan, yet staff also recognizes that this subdivision existed prior to the construction of I-75 through this area as well as prior to the 1984 Future Land Use Map.

An important aspect in the evaluation of this quadrant is the fact that there are existing residential uses currently in the General Commercial Interchange category where new residential development is not permitted, except in accordance with Chapter XIII of the Lee Plan. Staff has determined that the most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan due to the fact that the lots within the subdivision were created prior to the Lee Plan's effective date. In fact, in 2003, a lot within the subject area received a favorable interpretation of these provisions for the construction of a dwelling unit.

In light of the factors discussed, staff has concluded that amending this quadrant to a land use category allowing future residential development has the potential to significantly increase the mixing of local traffic with through traffic as well as increasing density in the CHHA. By leaving the quadrant designated General Commercial Interchange will result in minimal impacts to public infrastructure and services. For these reasons staff does not recommend an amendment to the existing future land use categories of the northeast quadrant.

### **Southwest Quadrant**

The southwest quadrant of the study area is currently developed with the North Trail RV center adjacent to I-75 and fronting S.R.80 and single family residential to the west. The study area covers approximately 48.61 acres and is designated Suburban with a small portion of the area fronting S.R. 80 designated Intensive Development. There are nearly two dozen single family homes in existence in the subject area west of the RV sales center.

This quadrant of the interchange was the subject of the previous review in 2000. During the previous review of this area and after much discussion with the with the Community Redevelopment Agency in existence at the time and the Local State Road 80 Advisory Board staff evaluated the possibility of changing the entire quadrant to the General Commercial Interchange land use category. Several issues lead



to the continuance of the amendment. At the time, as is the situation today, there were no plans for development or land assembly for the residential area. Another issue involved the School District's concern over the signalization at Lexington Avenue and State Road 80 where commercial traffic that could be generated by the proposed amendment would be sharing the same access (Lexington Avenue) that the buses use for the Orange River Elementary School turnaround causing a mixing of traffic. The Department of Community Affairs also provided objections requesting further analysis of traffic impacts and the maximum development allowed in this area. With no public outcry for the proposed amendment at the time, staff reevaluated the recommendation to amend the southwest quadrant to the interchange category and concluded that an evaluation of the entire interchange would be more beneficial for the area as a whole. Staff finds the existing land uses of this quadrant have remained intact since the time of the previous review. There have been no plans for development or land assembly for the residential area and no public requests for a change to the area.

Staff has concluded that the area developed with the North Trail RV center is the portion of this quadrant best suited for a land use change reflecting the existing use of the property. Considering the commercial use of the property and its location adjacent to I-75, staff finds the General Commercial Interchange future land use category the most appropriate land use category for the area. The commercial sale of recreational vehicles on a scale of this size (approximately 12 acres) potentially could be considered a regional use with customers coming from other areas for the product, as well as the consideration of the employment opportunities that the center provides to the local area. This type of use coincides with the intent of Objective 1.3, Interstate Highway Interchange Areas, promoting the beneficial use of these critical access points adjacent to the interchanges of I-75. Staff has met with the owners and representatives of the North Trail RV center discussing staff's proposal to amend the subject area and the impacts of amending the area from Suburban, a primarily residential future land use category, to the General Commercial Interchange category. The owners of the center understand the proposed change and have expressed their support of the amendment to the interchange category, reflecting the existing use of the property.

Staff recommends amending approximately 32.25 acres of the southwest quadrant from the Suburban and Intensive Development future land use categories to the General Commercial Interchange land use category. This area encompasses the RV center and portions of the S.R. 80 and I-75 right-of-way currently in the Suburban land use category.

### **Southeast Quadrant**

The southeast quadrant of the study area is currently developed with two restaurants, two gas stations, and a hotel as well as four single family homes in the southern portion of the area along Orange River Boulevard. The study area covers approximately 30.68 acres and is designated General Commercial Interchange and Urban Community. The Urban Community portion of quadrant covers the eastern edge of the study area.

Staff has determined that the existing General Commercial Interchange future land use designation is appropriate for the area and proposes to amend a majority of the Urban Community designation in this quadrant to the General Commercial Interchange land use category. Most of the area is currently zoned Commercial Planned Development (CPD) covering the interchange type uses existing today. The General Commercial Interchange category encompasses the western portion of this area covering half of the CPD



and three of the four homes to the south. Staff is proposing to amend the entire western portion of the area, with the exception of one single family parcel, from Urban Community to General Commercial Interchange, allowing the change to reflect the existing uses in this quadrant today.

Seven lots exist in the southern portion of the area and as mentioned previously, four of the lots contain single family homes. The remaining lots remain vacant. The single family lot in the southeast corner of the study area is currently designated Urban Community, while the remainder of the lots are designated General Commercial Interchange. The Urban Community land use category in place on the residential parcel in the southeast corner permits a density range of one to six dwelling units per acre on the 1.14 acre lot, with up to 10 units per acre including bonus density. Amending the lot to the interchange land use category could be detrimental to the property owner by removing the allowable density assigned to the property. Leaving the current land use designation in place continues the opportunity for residential development of the lot, yet does not preclude the owner from requesting an extension of interchange type uses per Policy 6.1.2.6 of the Lee Plan. This policy is reproduced below:

***Policy 6.1.2.6** Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.*

In light of this policy, staff has concluded that the owner would have the option of extending the interchange uses, leaving the current land use designation in place. Leaving the designation in place would not take the existing residential density away from the subject parcel while leaving the possibility of extending the adjacent interchange uses.

Staff has also considered the three existing residential units in the southern portion of the area within the General Commercial Interchange land use category and have made similar conclusions. While the units and the vacant lots are currently in a land use category that does not permit residential uses, staff has concluded that most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan, as would the lots in the northeast quadrant of the study area. Staff has concluded that leaving the residential lots in the existing land use designations would be the most appropriate action, where residential uses on the lots as they are configured today are not being removed from the properties and interchange uses are a valid option for those particular land owners as well.

Staff recommends amending approximately 6.71 acres of the southeast quadrant from the Urban Community future land use category to the General Commercial Interchange land use category. This area encompasses CPD zoning where a gas station and hotel exist.



## **B. CONCLUSIONS**

Through the subject plan amendment proposal, staff has attempted to balance the existing and future land use designations of the area with a proposal that results in minimal impacts to existing residential uses while recognizing the value of preserving interchange areas for interchange type uses serving the traveling public as well as providing diversity and regional opportunities within the interchange areas of the County.

Planning staff proposes amending approximately 39 acres from the Intensive Development, Suburban, and Urban Community future land use categories to the General Commercial Interchange land use category in the interchange area of S.R. 80 and I-75. Staff recognizes that this is a unique interchange area and the routing of I-75 through existing platted neighborhoods has had a negative impact. The presence of I-75 has increased the number of interchange type uses mixing with established residential uses. Examples of this mixing of uses can be seen in the north-east and south-east quadrants of the interchange where residential uses are within General Commercial Interchange designations as well as the southwest quadrant where a regional interchange type use has been developed adjacent to the interstate to the east and adjacent to existing residential uses to the west. Additionally, typical interchange uses have been developed in the Urban Community area in the southeast quadrant of the interchange.

Staff concludes that the proposal will result in minimal impacts to public infrastructure and services. If the amendment is approved allowable density would decrease given that the General commercial interchange future land use category does not allocate for residential units. The proposal will in fact lower the demands on public infrastructure and services eventually if the proposed amendment is adopted because the General Commercial Interchange areas are intended for commercial uses without any residential uses. There will be no increase in the population accommodation capacity of the FLUM.

## **C. STAFF RECOMMENDATION**

Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area to General Commercial Interchange. Planning staff recommends that the Lee Plan Future Land Use Map, Map 1, be amended as depicted on Attachment 1.



### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF LPA PUBLIC HEARING: May 23, 2005

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided a brief summary of the proposed plan amendment and explained staff's recommendation for the subject area. Staff concluded that the proposed amendment would decrease the allowable density in the subject areas, lowering the demands on public infrastructure and services. One member of the LPA asked why staff was recommending commercial uses next to residential uses in the northeast quadrant. Staff explained that through this analysis staff does not recommend making any changes to the northeast quadrant. Staff explained that the designations for this quadrant have been in place since the establishment of the 1984 Lee Plan and any commercial development would be required to comply with buffering and setback requirements as required by the Land Development Code.

Several members of the public addressed the LPA regarding the northeast quadrant of the interchange area. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the LPA and the Board of County Commissioners. This member of the public disagreed with staff's recommendation and noted that they felt that an interchange future land use category in this quadrant would allow inappropriate commercial uses. This member of the public described that through the small scale amendment request they felt that the Urban Community designation for this quadrant was a compromise. This member of the public stated that evacuation would not be an issue due to the location of the quadrant and that the area is not a destination for tourist travel.

Another member of the public addressed the LPA stating that they live in the northwest quadrant of the interchange and are in a similar situation. This person stated that there are other interchange quadrants better suited for uses serving the traveling public. They also noted that the property in the northeast quadrant contains oak trees and palm trees and is not suited for commercial businesses and parking lots. They felt that the Central Urban designation would be too high for this area leaving Urban Community the best designation for the property. This member also mentioned that their home in the northwest quadrant has never flooded or been evacuated and that the development proposed through the previous small scale amendment request would improve the community compared to the existing commercial uses along S.R. 80.

Another member of the public noted that they are a member of the Morse Shores Civic Association and stated that the existing land use category in the northeast quadrant would appear to increase traffic, rather than decrease traffic. They felt that there are a sufficient amount of gas stations in the area and that the uses planned through the previous small scale amendment would be more compatible.

Another member of the public stated the northeast quadrant is a very prestigious and indigenous site this close to the interchange and would prefer that the area be amended to the Central Urban future land use category.



Another member of the Morse Shores Civic Association stated that the northeast quadrant was not meant for big box stores and supported an amendment to the Urban Community future and use category in this area.

Several of the LPA members provided discussion concerning the proposed amendment. One member of the LPA noted that they have seen no changes since the previous discussions held before the LPA and find that the northeast quadrant is an ideal area for the type of residential development being discussed. Another member agreed. One member found the amendment proposed by staff consistent. Another member had concerns with commercial uses next to existing residential uses. A motion was made to amend the future land use map to include staff's proposal for the southern quadrants and to amend the northeast quadrant to the Urban Community future land use category. The motion carried 3 to 2.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The LPA recommended an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category based on the LPA's previous discussions and recommendations for the interchange area.

**C. VOTE:**

NOEL ANDRESS	_____ AYE
MATT BIXLER	_____ NAY
DEREK BURR	_____ NAY
RONALD INGE	_____ AYE
CARLETON RYFFEL	_____ AYE
FRED SCHILFFARTH	_____ ABSENT
RAYMOND SCHUMANN	_____ ABSENT



**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:** Planning staff provided a summary of the proposed plan amendment and updated the Board with the LPA's recommendation for the interchange area. Staff concluded that the amendment, as proposed by staff, would decrease the allowable density in the subject areas and reflect the existing uses of the area.

Several members of the public addressed the Board regarding the northeast quadrant of the interchange area. A majority of the public who spoke were also in attendance at the LPA public hearing. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the Board. The representative noted that the General Commercial Interchange land use category is intended for shopping centers. They discussed that the interchanges should be evaluated on a quadrant by quadrant basis and that the CHHA is not an issue given the location of the amendment. The representative requested that the Board consider amending the northeast quadrant from General Commercial Interchange to Central Urban.

Another member of the public also representing this applicant spoke, describing the other interchanges in the County and pointed out that the northeast quadrant of the subject interchange is the only interchange area in the County that contains water front property such as this. They felt that Central Urban is the best designation for this quadrant.

Another member of the public addressed the Board. This member stated that they have lived in the northwest quadrant of the interchange area for the past 15 years and came to speak regarding the northeast quadrant. They felt that the CHHA is a general classification and history and past experience is a better guide and noted that their house has never been flooded. This member preferred to see other interchanges serve the traveling public. They also stated that this area is not part of the commercial node of the Caloosahatchee Shores Community Plan and supported a map amendment for the northeast quadrant to Central Urban.

Another member of the public from the Sun-N-Fun mobile home park adjacent to the southeast quadrant spoke stating that they were concerned about the impacts of the northeast quadrant and find that the development that the applicant for the previous small scale amendment had planned for the area is good. They stated that they preferred a map amendment to the northeast quadrant amending the area to the Central Urban land use category.

Another representative of the previously reviewed small scale amendment spoke to address the northeast quadrant. They stated that they were concerned by the denial of the small scale amendment and that they endorsed Central Urban in the northeast quadrant while others from the area preferred Urban Community with a lower density. The representative handed out a map with their recommendation for the interchange area consisting of General Commercial Interchange in the southern quadrants and Central Urban in the northeast. The representative read a letter into the record from the secretary of the Morse Shores Civic Association supporting an Urban Community redesignation for the northeast quadrant. The representative



stated that if the area was amended to Urban Community the applicant would have to use bonus density to achieve the 10 units per acre that they have envisioned and would prefer to amend the northeast quadrant to Central Urban to achieve this density without utilizing bonus density.

One member of the public from the Dos Rios subdivision in the northeast quadrant of the interchange addressed the Board. They stated that it is their intent to preserve the community. This member of the public passed out photos of past flooding in the area and noted that the applicant for the small scale amendment would be adding more docks than exist in the subject area today. They also stated that the pump station in this quadrant has overflowed and flooded the adjacent marina property. They added that the site contains hazardous waste and urged that whatever was done with the adjacent property that the contamination is removed.

The final member of the public to address the Board stated that they are the owner of the marina property in the northeast quadrant, part of which was the subject of the small scale amendment. They stated that the previous speaker was not stating the truth regarding their property and hoped that the Board would allow the proposal as presented through the small scale amendment. The owner stated that it would be an asset to the community.

One Board member had a question regarding the concerns of a conflict between local traffic and interstate traffic. Staff clarified that this discussion was made in the background information of the staff report and that in 1984 when the interchange land use categories were put in place, the intent was to prevent the mixing of local traffic with through traffic.

One member of the Board made a motion to transmit the proposed amendment with the LPA's recommendation that the northeast quadrant be amended to the Urban Community future land use category. Another member seconded the motion for discussion stating that this is a unique interchange and needs to be preserved in a special way. Another member questioned whether or not this motion would be in violation of the policy in the Lee Plan calling for reduced density in the CHHA. They noted that there are merits on both sides yet the comprehensive plan is clear. It is an interchange where you would cater to through traffic. They stated that a commercial planned development could be done in this quadrant preserving vegetation and protecting existing residents. This member found that the interchange area is to service the traveling public. Another Board member noted the uniqueness of the subject interchange and it is worth sending to the Department of Community Affairs for comment. The member who questioned the motion and its consistency with the comprehensive plan asked legal staff how the comprehensive plan policy involving reduced density in the CHHA pertains to the amendment as moved to transmit. The staff responded that the policy says to consider these areas for reduced densities, not that you must reduce densities. The motion to transmit carried 4 to 1.

## **B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board voted to transmit the proposed map amendment to the DCA, including the LPA's recommendation for the northeast quadrant.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The Board



also accepted the LPA's recommendation for an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>TAMMY HALL</b>	<b>AYE</b>
<b>BOB JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>NAY</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

**D. STAFF DISCUSSION:**

Following the Board's recommendation at the transmittal hearing staff is providing further analysis regarding the northeast quadrant of the interchange. Per the Board's action, approximately 41.28 acres are being amended in the northeast quadrant from General Commercial Interchange to Urban Community. The Central Urban designation in the northernmost portion of this quadrant remains unchanged. This makes the total area being amended as part of this map amendment approximately 80 acres. A map depicting the proposed future land use map being transmitted for the interchange area is attached as Attachment 5.

As stated in staff's discussion of the subject area, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. Less the Central Urban area, the area would qualify for approximately 300,000 s.f. of commercial development. Staff previously compared the possibility of amending the quadrant to a residential land use category using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. The proposed Urban Community category has a density range of 6 units/acre with up to 10 units/acre including bonus density. Staff estimate that if the area were placed in the Urban Community category potentially 412 units could be developed.

The Urban Community maximum density permits up to 10 du/acre. There are approximately 30 parcel acres in the subject area and approximately 41.28 acres proposed to be amended, including right of way area. Evaluating the maximum scenario means that a maximum of 412 dwelling units could be constructed on the property under the Urban Community designation. This equates to a population accommodation capacity of the FLUM of 861 persons (412 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.



Commercial uses allocated by the Planning Communities Map and Table 1(b) are discussed in Part II of this report. The subject area is located within the "Fort Myers Shores" planning community. In this community there are 633 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 280 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 353 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020.

The proposed amendment does not involve a significant increase in the population accommodation capacity and does not require an amendment to the acreage allocations of the "Fort Myers Shores" planning community. Amending the subject quadrant to the Urban Community designation would correct the non-conforming residential subdivision existing in the western portion of this quadrant today. As discussed in this report, residential uses in the General Interchange category are not permitted except in accordance with Chapter XIII of the Lee Plan. Amending the area to the Urban Community category, where residential uses are permitted, would address the existing non-conformance of the subdivision. In addition, amending the entire northeast quadrant would allow the existing residential uses as well as ensuring the possibility of residential development as an option for the property adjacent to the subdivision, whereas previously it was not. For informational purposes, the applicant for the small scale amendment in this quadrant that was originally denied by the Board has provided back up materials regarding their proposal to amend a 10 acre portion of this quadrant from General Commercial Interchange to Urban Community. The materials are attached to this report as Attachment 6.



**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: August 19, 2005

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Department of Community Affairs has raised objections to proposed amendment CPA 2004-13. The DCA objections are reproduced below:

**OBJECTION**

**Land Use Suitability:** *This is a proposal to change the land use designation of certain properties located within the southeast, southwest and northeast quadrants of the intersection of I-75 and State Road 80. The Department has no concerns with the proposed changes to the southwest and southeast quadrant.*

*With respect to the proposal to change the land use designation on 41.28 acres of land located in the northeast quadrant from General Commercial Interchange to Urban Community the public facilities analysis for the amendment did not quantify the impact of the proposal on schools. There is a general statement in the staff report that according to the School Board, the amendment will not have any impact on schools; however it would be appropriate to show how the analysis of the impact on schools was derived in order to substantiate the statement. Above all, the proposal is inappropriate because the site is not suitable for the proposed designation. The subject site is located within the coastal high hazard area, and according to Map 9, of the Lee Plan, is within the 100-year floodplain that is subject to tidal flooding. This proposal has the potential to allow up to 412 dwelling units in this coastal high hazard area and would consequently expose a substantial population to the dangers of a hurricane and flooding. The proposal is, therefore, inconsistent with the state's requirement that comprehensive plans direct population concentrations away from known or predicted coastal high hazard areas, and also inconsistent with the requirement that future land uses be coordinated with appropriate topography, including flood prone areas. Lee Plan Policy 75.1.4 requires that the County limit the future population exposed to coastal flooding by assigning reduced density categories to properties within the coastal high hazard area. Goal 75 of the Lee Plan calls for the protection of human life and developed property from natural disasters, and Objective 75.1, mandates a reduced density for properties located within coastal high hazard areas. The proposed designation of Urban Community for this site is inconsistent with Objective 75.1 and Policy 75.1.4 and would not further Goal 75. The current designation of General Commercial Interchange that does not allow residential uses is clearly appropriate for this site and it is consistent with Policy 75.1.4, as well as with Objective 75.1, and furthers the intent of Goal 75. Chapter 163.3177(6)(a), (g)7., & 8., Florida Statutes (F.S.); Rule 9J-5.003(17); 9J-5.006(2)(b), & (3)(b)1., (c)1., & (4)(b)6.; 9J-5.012(3)(b)5., & 6., & (3)(c)7., Florida Administrative Code (FAC).*

**Recommendation:** *It is recommended that the County not adopt the proposed amendment to the northeast quadrant.*



## **B. STAFF DISCUSSION**

The DCA has objected to the amendment to the northeast quadrant of the interchange, finding that the site is not suitable for the proposed designation. The objection provides that the potential density in the Coastal High Hazard Area could expose a substantial population to the dangers of a hurricane and flooding. The DCA has found the proposal for the northeast quadrant inconsistent with state requirements that direct population concentrations away from coastal high hazard areas and with Lee Plan policies and have stated that the current designation is clearly appropriate for this site. The DCA has recommended that the County not adopt the proposed amendment to the northeast quadrant.

Lee Plan Objective 105.1 provides that allowable densities for undeveloped areas in the CHHA will be considered for reduction. Lee Plan Policy 105.1.4 specifies that through the plan amendment process land use designations in undeveloped areas in CHHA's will be considered for reduced categories, or the assignment of minimum allowable densities where density ranges are permitted, in order to limit population exposed to coastal flooding. The existing General Commercial Interchange category and the commercial uses allowed in this category achieve the intent of Lee Plan policy. Staff finds that in light of the recent increased storm activity there has been heightened sensitivity to increasing density in the Coastal High Hazard Area. The Governor has recently announced a Coastal High Hazard Study Committee as well. The DCA has recommended that the County not adopt the proposed amendment to the northeast quadrant and has provided that the department has no concerns with the proposed changes to the southern quadrants of the interchange.

Planning staff has reviewed the DCA's objections and recommendations and requested further review from the School District of Lee County regarding the impact of the proposal on schools. At the time the amendment went before the Board of County Commissioners the School District provided that the amendment would not have any impact on schools. At the time of the transmittal hearing the amendment did not involve any increase in residential density. The plan amendment proposal involved a reduction in residential density given that the General Commercial Interchange future land use category does not allow for residential units. Per the Board's action at the transmittal hearing, approximately 41.28 acres were proposed to be amended in the northeast quadrant from General Commercial Interchange to Urban Community. The School District has provided the following written comments dated September 28, 2005 regarding the amendment to the northeast quadrant (see Attachment 7).

*"412 multifamily residential dwelling units would generate 45 new students creating a need for 2 new classrooms. 412 single family dwelling units would generate 145 new students creating a need for 6 new classrooms. In addition to the classrooms the Lee County School District would have a need for increasing staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated."*

## **C. STAFF RECOMMENDATION**

Upon considering and balancing the above issues and given the likelihood that the DCA will challenge the proposed amendment with regard to the northeast quadrant, staff recommends that the Board of County Commissioners adopt the proposed amendment to include only the proposed changes to the southern quadrants of the interchange at this time.



**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: October 12, 2005

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**TAMMY HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

_____
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# CPA2004-00013

## Existing Uses By Parcel



Generated: June 2005  
Source: Lee County DCD/Planning  
Existing Land Use Inventory

### Legend

<span style="border: 1px solid red; display: inline-block; width: 10px; height: 10px;"></span> Study Area	<span style="background-color: #FFDAB9; display: inline-block; width: 10px; height: 10px;"></span> Residential Mobile Home/RV	<span style="background-color: #D2B48C; display: inline-block; width: 10px; height: 10px;"></span> Agricultural
<span style="background-color: #90EE90; display: inline-block; width: 10px; height: 10px;"></span> ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)	<span style="background-color: #FFFFE0; display: inline-block; width: 10px; height: 10px;"></span> Residential Amenity	<span style="background-color: #ADD8E6; display: inline-block; width: 10px; height: 10px;"></span> Public
<span style="background-color: #3CB371; display: inline-block; width: 10px; height: 10px;"></span> Wetlands	<span style="background-color: #FF6347; display: inline-block; width: 10px; height: 10px;"></span> Commercial Retail	<span style="background-color: #90EE90; display: inline-block; width: 10px; height: 10px;"></span> Vacant
<span style="background-color: #3CB371; display: inline-block; width: 10px; height: 10px;"></span> Conservation Lands - Wetlands	<span style="background-color: #FF69B4; display: inline-block; width: 10px; height: 10px;"></span> Commercial Hotel/RV Campground	<span style="background-color: #FFFFFF; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> ROW
<span style="background-color: #FFFFE0; display: inline-block; width: 10px; height: 10px;"></span> Existing Land Use	<span style="background-color: #FFA07A; display: inline-block; width: 10px; height: 10px;"></span> Commercial Office/Service	
<span style="background-color: #FFDAB9; display: inline-block; width: 10px; height: 10px;"></span> Residential Single Family	<span style="background-color: #FFB6C1; display: inline-block; width: 10px; height: 10px;"></span> Commercial Docks	
<span style="background-color: #FFDAB9; display: inline-block; width: 10px; height: 10px;"></span> Residential Multi-Family	<span style="background-color: #FFB6C1; display: inline-block; width: 10px; height: 10px;"></span> Multiple Uses	



150 75 0 75 150 300 450 600  
Feet





CPA2004-00013

# Aerial Map



Generated: April 2005  
Source: Lee County DCD/Planning

Study Area





**CPA 2004-13  
I-75 and S.R. 80 Interchange  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**DCA Transmittal Document**

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**June 1, 2005**



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-13**

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: May 18, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. STAFF RECOMMENDATION:** Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area from Intensive Development, Suburban, and Urban Community to General Commercial Interchange as depicted on Attachment 1.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The proposed land use change will not cause future road network plan changes to the 2020 Transportation Plan.



- There will be no increase in the population accommodation capacity of the FLUM. The proposed amendment will result in a population capacity reduction of 755 persons.
- The presence of I-75 has increased the number of interchange type uses mixing with established residential uses.
- The proposal will result in minimal impacts to public infrastructure and services. The proposal will in fact lower the demands on public infrastructure and services

### **C. BACKGROUND INFORMATION**

The Board of County Commissioners initiated the proposed amendment on March 22, 2005 and directed Planning staff to evaluate the future land use designations of the Interstate 75 and State Road 80 interchange quadrants, specifically the northeast quadrant and both the southeast and southwest quadrants. The study area, including the Existing Future Land Use designations of the area, are shown as Attachment 2.

Planning staff previously evaluated the southwest quadrant of this interchange area. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board voted to revisit this proposed amendment in a future amendment cycle. At that hearing, it was recommended that the analysis be broadened to include all four quadrants of the I-75 and S.R. 80 interchange.

Initiating the amendment into the current cycle allows staff to review the future land use designations for the interchange area and properly balance existing and future land use designations in this area. At the time the subject amendment was initiated staff specified the three quadrants noted above, recognizing that the future land use designations of the northwest quadrant are appropriate as they exist today. Existing land uses in the northwest quadrant include the Morse Shores single family subdivision, designated Suburban a primarily residential land use category, and commercial uses fronting S.R. 80, designated Intensive Development.

Staff began evaluating the amendment by creating three possible alternatives for the study area to bring forward to the Local Planning Agency (LPA) for discussion purposes. The alternatives discussed involved the possibilities of amending the entire northeast quadrant to Urban Community, Central Urban, or changing the designation of the existing neighborhood to Suburban and leaving the General Commercial Interchange category in place in the remainder of the quadrant. Only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange category. This remains the staff recommendation today. Alternatives discussed for the southeast quadrant involved Central Urban for the entire quadrant, the General Commercial Interchange category being proposed for the area today, or leaving the existing designations in place. At the LPA meeting, the members voted to recommend an alternative amending the entire northeast quadrant to the Urban Community category, a portion of the southwest quadrant to General Commercial Interchange as recommended by this report, and leaving the existing designations in place in the southeast quadrant. The LPA preferred this alternative based on their previous recommendation involving a privately initiated small scale amendment in the northeast quadrant. Previously the LPA recommended that the 10 acres involved in this request be amended to Urban Community.



After further review and based on the Board of County Commissioner's review of the recently proposed small scale amendment in the northeast quadrant of the interchange, staff has concluded that the future land use designations of the northeast quadrant are appropriate as they exist today. Further discussion is provided throughout the following analysis.

This report discusses the subject interchange area being evaluated as the study area. The study area encompasses approximately 124 acres. Of the 124 acres being evaluated, staff is recommending a future land use map amendment to approximately 39 acres in the southwest and southeast quadrants of the interchange. Staff is proposing that the 39 acres be amended to General Commercial Interchange as shown on Attachment 1. A little over half of the proposed change amends the future land use category covering the right-of-way areas of I-75 and State Road 80, leaving approximately 18 acres of developable land being amended. The impacts of amending the 18 acres of developable land for possible residential or commercial development are being addressed through this report, comparing existing future land use categories vs proposed. Staff has estimated, as a worst case, that the area being amended would qualify for the following based on the existing and proposed land use categories. Although the areas are already developed, staff estimates the following if redevelopment were to occur. All density calculations include bonus density and half of the adjacent right of way in order to provide the maximum scenario for evaluation. Please note that the northwest category is not included below, due to staff's recommendation that the General Commercial Interchange category remain in place.

	<b>Southwest Quadrant</b>	<b>Southeast Quadrant</b>
Existing Land Use Category	Suburban and Intensive Development	Urban Community
Possible unit or commercial development	100,000 s.f. commercial <b>or</b> 295 dwelling units	50,000 s.f commercial <b>or</b> 67 dwelling units
Proposed Land Use Category	General Commercial Interchange	General Commercial Interchange
Possible unit or commercial development	130,000 s.f. commercial 0 dwelling units	50,000 s.f. commercial 0 dwelling units

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, all three quadrants were depicted as General Commercial Interchange and a small area in the southwest quadrant was depicted as Central Urban. As part of an overall review of the future land use map in 1989, the eastern portion of the southeast quadrant was changed from General



Commercial Interchange to Urban Community. This remains the future land use category for this portion of the quadrant today. Later in 1989 Lee County formulated a comprehensive plan in order to meet the requirements of the 1985 Growth Management Act. At that time the newly formulated comprehensive plan was objected to by the Department of Community Affairs. In part, the Department of Community Affairs found that Lee County future land use categories should more closely correspond with the adopted future land use maps of the cities of Fort Myers and Cape Coral. The subject area was located within the Urban Reserve Area of Fort Myers which at that time was included on their future land use map. Lee County entered into a settlement agreement with the Department of Community Affairs and through this agreement amended the future land use designations of the southwest quadrant to the current FLUM designations for the area today.

#### **CURRENT FLUM DESIGNATIONS FOR SUBJECT INTERCHANGE QUADRANT**

Current Lee Plan Future Land Use categories for the subject area are as follows (see Attachment 2):

Future Land Use categories in the northeast quadrant are General Commercial Interchange and Central Urban. The categories in the southeast quadrant include General Commercial Interchange and Urban Community.

***POLICY 1.3.3:** The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.*

***POLICY 1.1.3:** The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*



Future Land Use categories in the southwest quadrant include Intensive Development and Suburban.

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6) and office uses are appropriate in these locations. As Lee County moves toward becoming a metropolitan complex of a half million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).

**POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

### EXISTING LAND USES

The subject area lies in Section 3 Township 44 South, Range 25 East and Section 34 Township 43 South, Range 25 East and is located in the northeast quadrant and both the southeast and southwest quadrants of the State Road 80 and Interstate 75 Interchange. This area is bordered by the Orange River (east of the interstate) and S.R. 80 (west of the interstate) to the north, both the Siesta and the Sun-n-Fun mobile home subdivisions to the east, vacant land and condominium development to the south, and single family residential uses to the west. I-75 extends north/south and S.R. 80 east/west through the subject area.

The study area encompasses approximately 124 acres total, accommodating a variety of uses including residential, commercial, marina, and vacant land uses. The following is a summary of land uses existing within the study area of each interchange quadrant.

Quadrant	Existing Uses	Future Land Use Designation
Northeast	Single Family Subdivision and Marina	General Commercial Interchange
Southwest	Commercial RV Sales and Single Family	Intensive Development and Suburban
Southeast	Restaurants, Hotel, Gas Stations, and Single Family	General Commercial Interchange and Urban Community

The current zoning designations for the subject area are RS-1, AG-2, IM, and CM in the northeast quadrant, CPD, CG, and RS-1 in the southwest quadrant, and CPD and AG-2 in the southeast quadrant. Surrounding zoning designations include RS-1 and AG-2 to the north, MH-1 and MH-2 to the east, AG-2 to the south and RS-1 and C-1 to the west.



## **TRANSPORTATION**

Lee County Department of Transportation (DOT) staff have reviewed the proposal and provided written comments dated May 17, 2005 (see Attachment 3). DOT offers no objection to the proposed change and have provided that "Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans."

DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion. Specific improvements (such as turning lanes) that are needed as a result of proposed development in this area will be determined through the local development order process. Providing identified improvements are the responsibility of the developer. For example, if the proposed project generates the need for turning lanes, then the developer is required to provide the turning lane at no expense to the public.

## **POTABLE WATER, SANITARY SEWER SERVICE AND SOLID WASTE**

The current condition of potable water service and sanitary sewer service in the area is discussed below:

Potable Water Service: The water system in the southwest quadrant is already in place; there are no plans for installing any major new transmission lines. The Corkscrew Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is an 8" and 6" water main on Orange River Boulevard, an 8" water main on Lexington Avenue, and a 20" water main on the north side of State Road 80 serving the area. The water system is already in place in the southeast quadrant as well and there are no plans for installing any major new transmission lines. The Olga Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is a 10" water main on Boatways Road, a 6" and 12" water main on Orange River Boulevard, and a 20" water main on the north side of State Road 80 serving the area. As new projects request service from Lee County Utilities, they are required by the Lee County Utilities Operation Manual to submit extensive hydraulic calculations for review and approval showing what impact, if any, a new project may have on existing facilities. If warranted, the new project will be required to either loop "dead end" mains or perform off-site improvements to enhance flows and, therefore, provide adequate water infrastructure to support development.

Sanitary Sewer Service: There are presently 24" and 8" sanitary sewer force mains on the north side of S.R. 80. In the southwest quadrant Lee County Utilities has 8" gravity sewer mains on Orange River Boulevard, Lexington Avenue, and Richmond Avenue. In the southeast quadrant Lee County Utilities has an 8" gravity sewer main and a lift station on Boatways Road. Lee County Utilities also has a 4" sanitary sewer force main on Boatways Road and a 12" force main on Orange River Boulevard. As with the water network, new developments are required to submit extensive hydraulic calculations for review and approval showing what impacts the new project may have on existing facilities. If warranted the developer may need to perform off-site improvements to enhance flows and provide adequate sanitary sewer infrastructure to support the development. The subject area is served by the City of Fort Myers Central Wastewater Treatment Plant via an inter-local agreement and, to date, has sufficient reserved capacity.



## **POPULATION ACCOMMODATION ANALYSIS**

The request is to change the Future Land Use Map (FLUM) category of approximately 39 acres from Intensive Development, Urban Community, and Suburban to General Commercial Interchange. Currently, the Lee Plan does not permit residential development in General Commercial Interchange areas.

The Intensive Development maximum density permits up to 22 du/acre. There are approximately 6.4 acres designated Intensive Development within the southwest quadrant. This means that a maximum of 140 dwelling units could be constructed on the property under the Intensive Development designation. Planning staff, however, believes that residential development fronting this portion of S.R. 80 is unlikely. This Intensive Development area accommodates 292 persons on the FLUM (140 du's X 2.09 persons per unit).

The Urban Community maximum density permits up to 10 du/acre. There are approximately 6.71 acres designated Urban Community within the southeast quadrant. This means that a maximum of 67 dwelling units could be constructed on the property under the Urban Community designation. Planning staff, however, believes that residential development adjacent to existing interchange type uses is unlikely. This Urban Community area accommodates 140 persons on the FLUM (67 du's X 2.09 persons per unit).

The Suburban category standard density permits up to 6 du/acre. There are approximately 25.85 acres designated Suburban within the southwest quadrant. A maximum of 155 dwelling units could be constructed on the property under the Suburban designation. This equates to a population accommodation capacity of the FLUM of 323 persons (155 du's X 2.09 persons per unit).

As mentioned above the Lee Plan does not permit residential development in General Commercial Interchange designations and therefore the proposal will not be increasing the population accommodation capacity of the FLUM. In fact, the amendment would result in a population capacity reduction of 755 persons.

## **PARKS, RECREATION AND OPEN SPACE**

Staff of the Lee County Public Works have reviewed the request and provided comments dated May 11, 2005 (see Attachment 4). Public Works staff provides the following:

*"It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."*

## **LEE COUNTY SCHOOL DISTRICT EVALUATION**

Planning staff requested that the Lee County School District evaluate the proposed redesignation and determine the adequacy of existing and future facilities to provide services to the subject area. Staff of the School District of Lee County have contacted Planning staff and provided that the proposed changes "will have no impact on the School District of Lee County."



## **SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified two soil types present on the subject parcel - 11 Myakka fine sand in all three quadrants, and 28 Immokalee sand in the northeast quadrant. The Soil Survey provides the following:

*11 - Myakka fine sand. This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.*

*28 - Immokalee sand. This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.*

## **LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)**

The subject area is located within the "Fort Myers Shores" planning community. Table 1(b) allocates a total of 257 acres for commercial use in this Planning Community. Recent planning division research indicates that 243 acres of commercial development in the "Fort Myers Shores" planning community have been developed. This research indicates that 14 additional acres can be developed for commercial use in the planning community before the year 2020. While the subject amendment consists of approximately 39 acres, as mentioned earlier in the report over half of the proposed change amends the future land use category covering right-of-way areas, leaving approximately 18 acres of developable land being amended. While the current proposal exceeds the commercial allocation by 4 additional acres, staff recognizes that these allocations will be being revised out to the year 2030 as part of the upcoming EAR based amendments. Staff assumes that there will be more commercial uses within this planning community in the future and will be addressed as part of the allocations for 2030.

## **DISCUSSION CONCERNING THE SUBJECT AREA:**

After evaluating several alternatives and discussing various development scenarios associated with each, staff recommends that the subject interchange area be amended as proposed in Attachment 1. The following is a discussion of each quadrant in the study area:

### **Northeast Quadrant**

The northeast quadrant is currently developed with the Dos Rios single family residential subdivision adjacent to I-75 to the west and marina uses to the east. The study area covers approximately 48.61 acres and is designated General Commercial Interchange with a small portion of the area designated Central Urban in the northwest corner of the quadrant.

A 10 acre portion of the existing marina within this quadrant was recently reviewed as a privately initiated small scale amendment. The applicant proposed to amend the area from the General Commercial Interchange category to the Urban Community land use category. Staff recommended denial of the proposed amendment due to the subject site's location within the Coastal High Hazard Area (CHHA) and inconsistencies with several Lee Plan policies addressing residential development in the CHHA. At the adoption hearing for the proposed amendment the majority of the Board agreed with staff's recommendation and voted not to adopt the proposed amendment. At the hearing the Board discussed the importance of maintaining the County's interchange areas for interchange type uses serving the traveling public. Staff specifically cited Lee Plan policies found under Goal 75 and 76 that prohibit residential



development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. The specific Lee Plan policies are reproduced below:

**GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** *To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)*

**OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.** *Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

**POLICY 75.1.4:** *Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

**GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.** *To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)*

**OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES.** *Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*

Upon staff's evaluation of the entire interchange and in regards to the northeast quadrant specifically, staff finds that the subject quadrant is located in the CHHA as depicted by Map 5 of the Lee Plan. Lee plan Policy 75.1.4 specifies that areas within the CHHA will be considered for reduced densities to limit the population to coastal flooding.

It is also necessary to compare the possibilities that the existing land use category allows as it specifically relates to commercial type uses with other options that would allow residential development in this quadrant. As mentioned, the area of this quadrant is approximately 48.61 acres and includes the right-of-way area of I-75 and S.R. 80. Of this total acreage figure, approximately 33 acres equate to parcel acres. Generally speaking, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. If the existing subdivision in this quadrant were excluded from this calculation the remaining area would qualify for approximately 218,500 s.f. of commercial development. Comparing this to the possibility of amending the quadrant to a residential land use category staff is using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. These two categories were presented to the LPA for discussion purposes, as well as Urban Community for a middle range. Staff estimate that if the area were placed in the Suburban category (6 units/acre) potentially 234 units could be developed, or 131 units when excluding the existing subdivision. Staff estimate that if the area were placed in the Central Urban category (15 units/acre including bonus density) potentially 495 units could be developed, or 327 units when excluding the existing subdivision.



In addition another factor to be considered while evaluating this quadrant, as was discussed and considered at the adoption hearing for the referenced small scale amendment, is the basic importance of the existing interchange land use categories in Lee County. Reports discussing interstate interchange land use during the drafting of the 1984 Lee Plan described the completion of Interstate 75 through Lee County creating unique development opportunities at the eight interchanges and the arterials leading to them. Discussions also provided that land configurations resulting in the intermixing of local and interstate travel should be discouraged.

Objective 1.3 of the Lee Plan describes the interstate highway interchange areas as specialized categories for land adjacent to the interchanges of I-75. The objective emphasizes the importance of making beneficial use of these critical access points while avoiding conflicts between competing demands. It also states that development in these areas must minimize adverse traffic impacts such as the mixing of local traffic with through traffic. Staff recognizes that the existing neighborhood in this quadrant could be considered inconsistent with this Objective of the plan, yet staff also recognizes that this subdivision existed prior to the construction of I-75 through this area as well as prior to the 1984 Future Land Use Map.

An important aspect in the evaluation of this quadrant is the fact that there are existing residential uses currently in the General Commercial Interchange category where new residential development is not permitted, except in accordance with Chapter XIII of the Lee Plan. Staff has determined that the most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan due to the fact that the lots within the subdivision were created prior to the Lee Plan's effective date. In fact, in 2003, a lot within the subject area received a favorable interpretation of these provisions for the construction of a dwelling unit.

In light of the factors discussed, staff has concluded that amending this quadrant to a land use category allowing future residential development has the potential to significantly increase the mixing of local traffic with through traffic as well as increasing density in the CHHA. By leaving the quadrant designated General Commercial Interchange will result in minimal impacts to public infrastructure and services. For these reasons staff does not recommend an amendment to the existing future land use categories of the northeast quadrant.

### **Southwest Quadrant**

The southwest quadrant of the study area is currently developed with the North Trail RV center adjacent to I-75 and fronting S.R.80 and single family residential to the west. The study area covers approximately 48.61 acres and is designated Suburban with a small portion of the area fronting S.R. 80 designated Intensive Development. There are nearly two dozen single family homes in existence in the subject area west of the RV sales center.

This quadrant of the interchange was the subject of the previous review in 2000. During the previous review of this area and after much discussion with the with the Community Redevelopment Agency in existence at the time and the Local State Road 80 Advisory Board staff evaluated the possibility of changing the entire quadrant to the General Commercial Interchange land use category. Several issues lead



to the continuance of the amendment. At the time, as is the situation today, there were no plans for development or land assembly for the residential area. Another issue involved the School District's concern over the signalization at Lexington Avenue and State Road 80 where commercial traffic that could be generated by the proposed amendment would be sharing the same access (Lexington Avenue) that the buses use for the Orange River Elementary School turnaround causing a mixing of traffic. The Department of Community Affairs also provided objections requesting further analysis of traffic impacts and the maximum development allowed in this area. With no public outcry for the proposed amendment at the time, staff reevaluated the recommendation to amend the southwest quadrant to the interchange category and concluded that an evaluation of the entire interchange would be more beneficial for the area as a whole. Staff finds the existing land uses of this quadrant have remained intact since the time of the previous review. There have been no plans for development or land assembly for the residential area and no public requests for a change to the area.

Staff has concluded that the area developed with the North Trail RV center is the portion of this quadrant best suited for a land use change reflecting the existing use of the property. Considering the commercial use of the property and its location adjacent to I-75, staff finds the General Commercial Interchange future land use category the most appropriate land use category for the area. The commercial sale of recreational vehicles on a scale of this size (approximately 12 acres) potentially could be considered a regional use with customers coming from other areas for the product, as well as the consideration of the employment opportunities that the center provides to the local area. This type of use coincides with the intent of Objective 1.3, Interstate Highway Interchange Areas, promoting the beneficial use of these critical access points adjacent to the interchanges of I-75. Staff has met with the owners and representatives of the North Trail RV center discussing staff's proposal to amend the subject area and the impacts of amending the area from Suburban, a primarily residential future land use category, to the General Commercial Interchange category. The owners of the center understand the proposed change and have expressed their support of the amendment to the interchange category, reflecting the existing use of the property.

Staff recommends amending approximately 32.25 acres of the southwest quadrant from the Suburban and Intensive Development future land use categories to the General Commercial Interchange land use category. This area encompasses the RV center and portions of the S.R. 80 and I-75 right-of-way currently in the Suburban land use category.

### **Southeast Quadrant**

The southeast quadrant of the study area is currently developed with two restaurants, two gas stations, and a hotel as well as four single family homes in the southern portion of the area along Orange River Boulevard. The study area covers approximately 30.68 acres and is designated General Commercial Interchange and Urban Community. The Urban Community portion of quadrant covers the eastern edge of the study area.

Staff has determined that the existing General Commercial Interchange future land use designation is appropriate for the area and proposes to amend a majority of the Urban Community designation in this quadrant to the General Commercial Interchange land use category. Most of the area is currently zoned Commercial Planned Development (CPD) covering the interchange type uses existing today. The General Commercial Interchange category encompasses the western portion of this area covering half of the CPD



and three of the four homes to the south. Staff is proposing to amend the entire western portion of the area, with the exception of one single family parcel, from Urban Community to General Commercial Interchange, allowing the change to reflect the existing uses in this quadrant today.

Seven lots exist in the southern portion of the area and as mentioned previously, four of the lots contain single family homes. The remaining lots remain vacant. The single family lot in the southeast corner of the study area is currently designated Urban Community, while the remainder of the lots are designated General Commercial Interchange. The Urban Community land use category in place on the residential parcel in the southeast corner permits a density range of one to six dwelling units per acre on the 1.14 acre lot, with up to 10 units per acre including bonus density. Amending the lot to the interchange land use category could be detrimental to the property owner by removing the allowable density assigned to the property. Leaving the current land use designation in place continues the opportunity for residential development of the lot, yet does not preclude the owner from requesting an extension of interchange type uses per Policy 6.1.2.6 of the Lee Plan. This policy is reproduced below:

***Policy 6.1.2.6** Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.*

In light of this policy, staff has concluded that the owner would have the option of extending the interchange uses, leaving the current land use designation in place. Leaving the designation in place would not take the existing residential density away from the subject parcel while leaving the possibility of extending the adjacent interchange uses.

Staff has also considered the three existing residential units in the southern portion of the area within the General Commercial Interchange land use category and have made similar conclusions. While the units and the vacant lots are currently in a land use category that does not permit residential uses, staff has concluded that most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan, as would the lots in the northeast quadrant of the study area. Staff has concluded that leaving the residential lots in the existing land use designations would be the most appropriate action, where residential uses on the lots as they are configured today are not being removed from the properties and interchange uses are a valid option for those particular land owners as well.

Staff recommends amending approximately 6.71 acres of the southeast quadrant from the Urban Community future land use category to the General Commercial Interchange land use category. This area encompasses CPD zoning where a gas station and hotel exist.



## **B. CONCLUSIONS**

Through the subject plan amendment proposal, staff has attempted to balance the existing and future land use designations of the area with a proposal that results in minimal impacts to existing residential uses while recognizing the value of preserving interchange areas for interchange type uses serving the traveling public as well as providing diversity and regional opportunities within the interchange areas of the County.

Planning staff proposes amending approximately 39 acres from the Intensive Development, Suburban, and Urban Community future land use categories to the General Commercial Interchange land use category in the interchange area of S.R. 80 and I-75. Staff recognizes that this is a unique interchange area and the routing of I-75 through existing platted neighborhoods has had a negative impact. The presence of I-75 has increased the number of interchange type uses mixing with established residential uses. Examples of this mixing of uses can be seen in the north-east and south-east quadrants of the interchange where residential uses are within General Commercial Interchange designations as well as the southwest quadrant where a regional interchange type use has been developed adjacent to the interstate to the east and adjacent to existing residential uses to the west. Additionally, typical interchange uses have been developed in the Urban Community area in the southeast quadrant of the interchange.

Staff concludes that the proposal will result in minimal impacts to public infrastructure and services. If the amendment is approved allowable density would decrease given that the General commercial interchange future land use category does not allocate for residential units. The proposal will in fact lower the demands on public infrastructure and services eventually if the proposed amendment is adopted because the General Commercial Interchange areas are intended for commercial uses without any residential uses. There will be no increase in the population accommodation capacity of the FLUM.

## **C. STAFF RECOMMENDATION**

Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area to General Commercial Interchange. Planning staff recommends that the Lee Plan Future Land Use Map, Map 1, be amended as depicted on Attachment 1.



### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF LPA PUBLIC HEARING: May 23, 2005

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided a brief summary of the proposed plan amendment and explained staff's recommendation for the subject area. Staff concluded that the proposed amendment would decrease the allowable density in the subject areas, lowering the demands on public infrastructure and services. One member of the LPA asked why staff was recommending commercial uses next to residential uses in the northeast quadrant. Staff explained that through this analysis staff does not recommend making any changes to the northeast quadrant. Staff explained that the designations for this quadrant have been in place since the establishment of the 1984 Lee Plan and any commercial development would be required to comply with buffering and setback requirements as required by the Land Development Code.

Several members of the public addressed the LPA regarding the northeast quadrant of the interchange area. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the LPA and the Board of County Commissioners. This member of the public disagreed with staff's recommendation and noted that they felt that an interchange future land use category in this quadrant would allow inappropriate commercial uses. This member of the public described that through the small scale amendment request they felt that the Urban Community designation for this quadrant was a compromise. This member of the public stated that evacuation would not be an issue due to the location of the quadrant and that the area is not a destination for tourist travel.

Another member of the public addressed the LPA stating that they live in the northwest quadrant of the interchange and are in a similar situation. This person stated that there are other interchange quadrants better suited for uses serving the traveling public. They also noted that the property in the northeast quadrant contains oak trees and palm trees and is not suited for commercial businesses and parking lots. They felt that the Central Urban designation would be too high for this area leaving Urban Community the best designation for the property. This member also mentioned that their home in the northwest quadrant has never flooded or been evacuated and that the development proposed through the previous small scale amendment request would improve the community compared to the existing commercial uses along S.R. 80.

Another member of the public noted that they are a member of the Morse Shores Civic Association and stated that the existing land use category in the northeast quadrant would appear to increase traffic, rather than decrease traffic. They felt that there are a sufficient amount of gas stations in the area and that the uses planned through the previous small scale amendment would be more compatible.

Another member of the public stated the northeast quadrant is a very prestigious and indigenous site this close to the interchange and would prefer that the area be amended to the Central Urban future land use category.



Another member of the Morse Shores Civic Association stated that the northeast quadrant was not meant for big box stores and supported an amendment to the Urban Community future and use category in this area.

Several of the LPA members provided discussion concerning the proposed amendment. One member of the LPA noted that they have seen no changes since the previous discussions held before the LPA and find that the northeast quadrant is an ideal area for the type of residential development being discussed. Another member agreed. One member found the amendment proposed by staff consistent. Another member had concerns with commercial uses next to existing residential uses. A motion was made to amend the future land use map to include staff's proposal for the southern quadrants and to amend the northeast quadrant to the Urban Community future land use category. The motion carried 3 to 2.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The LPA recommended an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category based on the LPA's previous discussions and recommendations for the interchange area.

**C. VOTE:**

NOEL ANDRESS	AYE
MATT BIXLER	NAY
DEREK BURR	NAY
RONALD INGE	AYE
CARLETON RYFFEL	AYE
FRED SCHILFFARTH	ABSENT
RAYMOND SCHUMANN	ABSENT



**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:** Planning staff provided a summary of the proposed plan amendment and updated the Board with the LPA's recommendation for the interchange area. Staff concluded that the amendment, as proposed by staff, would decrease the allowable density in the subject areas and reflect the existing uses of the area.

Several members of the public addressed the Board regarding the northeast quadrant of the interchange area. A majority of the public who spoke were also in attendance at the LPA public hearing. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the Board. The representative noted that the General Commercial Interchange land use category is intended for shopping centers. They discussed that the interchanges should be evaluated on a quadrant by quadrant basis and that the CHHA is not an issue given the location of the amendment. The representative requested that the Board consider amending the northeast quadrant from General Commercial Interchange to Central Urban.

Another member of the public also representing this applicant spoke, describing the other interchanges in the County and pointed out that the northeast quadrant of the subject interchange is the only interchange area in the County that contains water front property such as this. They felt that Central Urban is the best designation for this quadrant.

Another member of the public addressed the Board. This member stated that they have lived in the northwest quadrant of the interchange area for the past 15 years and came to speak regarding the northeast quadrant. They felt that the CHHA is a general classification and history and past experience is a better guide and noted that their house has never been flooded. This member preferred to see other interchanges serve the traveling public. They also stated that this area is not part of the commercial node of the Caloosahatchee Shores Community Plan and supported a map amendment for the northeast quadrant to Central Urban.

Another member of the public from the Sun-N-Fun mobile home park adjacent to the southeast quadrant spoke stating that they were concerned about the impacts of the northeast quadrant and find that the development that the applicant for the previous small scale amendment had planned for the area is good. They stated that they preferred a map amendment to the northeast quadrant amending the area to the Central Urban land use category.

Another representative of the previously reviewed small scale amendment spoke to address the northeast quadrant. They stated that they were concerned by the denial of the small scale amendment and that they endorsed Central Urban in the northeast quadrant while others from the area preferred Urban Community with a lower density. The representative handed out a map with their recommendation for the interchange area consisting of General Commercial Interchange in the southern quadrants and Central Urban in the northeast. The representative read a letter into the record from the secretary of the Morse Shores Civic Association supporting an Urban Community redesignation for the northeast quadrant. The representative



stated that if the area was amended to Urban Community the applicant would have to use bonus density to achieve the 10 units per acre that they have envisioned and would prefer to amend the northeast quadrant to Central Urban to achieve this density without utilizing bonus density.

One member of the public from the Dos Rios subdivision in the northeast quadrant of the interchange addressed the Board. They stated that it is their intent to preserve the community. This member of the public passed out photos of past flooding in the area and noted that the applicant for the small scale amendment would be adding more docks than exist in the subject area today. They also stated that the pump station in this quadrant has overflowed and flooded the adjacent marina property. They added that the site contains hazardous waste and urged that whatever was done with the adjacent property that the contamination is removed.

The final member of the public to address the Board stated that they are the owner of the marina property in the northeast quadrant, part of which was the subject of the small scale amendment. They stated that the previous speaker was not stating the truth regarding their property and hoped that the Board would allow the proposal as presented through the small scale amendment. The owner stated that it would be an asset to the community.

One Board member had a question regarding the concerns of a conflict between local traffic and interstate traffic. Staff clarified that this discussion was made in the background information of the staff report and that in 1984 when the interchange land use categories were put in place, the intent was to prevent the mixing of local traffic with through traffic.

One member of the Board made a motion to transmit the proposed amendment with the LPA's recommendation that the northeast quadrant be amended to the Urban Community future land use category. Another member seconded the motion for discussion stating that this is a unique interchange and needs to be preserved in a special way. Another member questioned whether or not this motion would be in violation of the policy in the Lee Plan calling for reduced density in the CHHA. They noted that there are merits on both sides yet the comprehensive plan is clear. It is an interchange where you would cater to through traffic. They stated that a commercial planned development could be done in this quadrant preserving vegetation and protecting existing residents. This member found that the interchange area is to service the traveling public. Another Board member noted the uniqueness of the subject interchange and it is worth sending to the Department of Community Affairs for comment. The member who questioned the motion and its consistency with the comprehensive plan asked legal staff how the comprehensive plan policy involving reduced density in the CHHA pertains to the amendment as moved to transmit. The staff responded that the policy says to consider these areas for reduced densities, not that you must reduce densities. The motion to transmit carried 4 to 1.

## **B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board voted to transmit the proposed map amendment to the DCA, including the LPA's recommendation for the northeast quadrant.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The Board



also accepted the LPA's recommendation for an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>TAMMY HALL</b>	<b>AYE</b>
<b>BOB JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>NAY</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

**D. STAFF DISCUSSION:**

Following the Board's recommendation at the transmittal hearing staff is providing further analysis regarding the northeast quadrant of the interchange. Per the Board's action, approximately 41.28 acres are being amended in the northeast quadrant from General Commercial Interchange to Urban Community. The Central Urban designation in the northernmost portion of this quadrant remains unchanged. This makes the total area being amended as part of this map amendment approximately 80 acres. A map depicting the proposed future land use map being transmitted for the interchange area is attached as Attachment 5.

As stated in staff's discussion of the subject area, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. Less the Central Urban area, the area would qualify for approximately 300,000 s.f. of commercial development. Staff previously compared the possibility of amending the quadrant to a residential land use category using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. The proposed Urban Community category has a density range of 6 units/acre with up to 10 units/acre including bonus density. Staff estimate that if the area were placed in the Urban Community category potentially 412 units could be developed.

The Urban Community maximum density permits up to 10 du/acre. There are approximately 30 parcel acres in the subject area and approximately 41.28 acres proposed to be amended, including right of way area. Evaluating the maximum scenario means that a maximum of 412 dwelling units could be constructed on the property under the Urban Community designation. This equates to a population accommodation capacity of the FLUM of 861 persons (412 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.



Commercial uses allocated by the Planning Communities Map and Table 1(b) are discussed in Part II of this report. The subject area is located within the "Fort Myers Shores" planning community. In this community there are 633 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 280 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 353 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020.

The proposed amendment does not involve a significant increase in the population accommodation capacity and does not require an amendment to the acreage allocations of the "Fort Myers Shores" planning community. Amending the subject quadrant to the Urban Community designation would correct the non-conforming residential subdivision existing in the western portion of this quadrant today. As discussed in this report, residential uses in the General Interchange category are not permitted except in accordance with Chapter XIII of the Lee Plan. Amending the area to the Urban Community category, where residential uses are permitted, would address the existing non-conformance of the subdivision. In addition, amending the entire northeast quadrant would allow the existing residential uses as well as ensuring the possibility of residential development as an option for the property adjacent to the subdivision, whereas previously it was not. For informational purposes, the applicant for the small scale amendment in this quadrant that was originally denied by the Board has provided back up materials regarding their proposal to amend a 10 acre portion of this quadrant from General Commercial Interchange to Urban Community. The materials are attached to this report as Attachment 6.



**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: \_\_\_\_\_

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**



**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**TAMMY HALL**

**BOB JANES**

**RAY JUDAH**

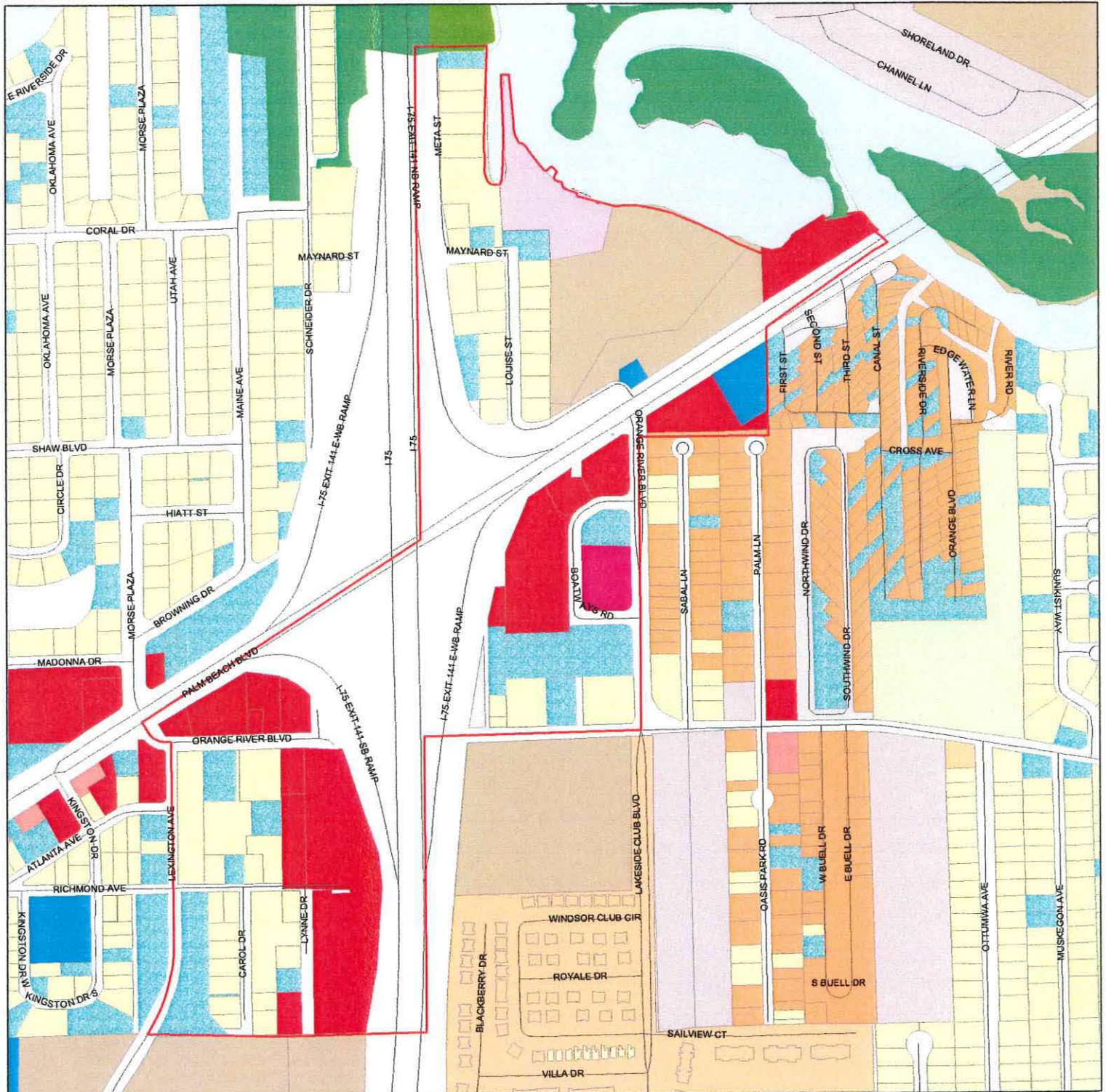
**DOUG ST. CERNY**

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# CPA 2004-00013

## Existing Uses By Parcel



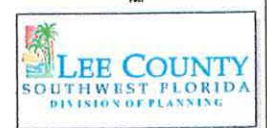
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Existing Land Use Inventory

### Legend

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<span style="background-color: #90ee90; display: inline-block; width: 10px; height: 10px;"></span> ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)	<span style="background-color: #ffffcc; display: inline-block; width: 10px; height: 10px;"></span> Residential Amenity	<span style="background-color: #add8e6; display: inline-block; width: 10px; height: 10px;"></span> Public
<span style="background-color: #008000; display: inline-block; width: 10px; height: 10px;"></span> Wetlands	<span style="background-color: #ff0000; display: inline-block; width: 10px; height: 10px;"></span> Commercial Retail	<span style="background-color: #add8e6; display: inline-block; width: 10px; height: 10px;"></span> Vacant
<span style="background-color: #008000; display: inline-block; width: 10px; height: 10px;"></span> Conservation Lands - Wetlands	<span style="background-color: #ff6699; display: inline-block; width: 10px; height: 10px;"></span> Commercial Hotel/RV Campground	<span style="background-color: #ffffff; display: inline-block; width: 10px; height: 10px; border: 1px solid black;"></span> ROW
<span style="background-color: #ffffcc; display: inline-block; width: 10px; height: 10px;"></span> Existing Land Use	<span style="background-color: #ffcc99; display: inline-block; width: 10px; height: 10px;"></span> Commercial Office/Service	
<span style="background-color: #ffffcc; display: inline-block; width: 10px; height: 10px;"></span> Residential Single Family	<span style="background-color: #ffcc99; display: inline-block; width: 10px; height: 10px;"></span> Commercial Docks	
<span style="background-color: #ffcc99; display: inline-block; width: 10px; height: 10px;"></span> Residential Multi-Family	<span style="background-color: #ccccff; display: inline-block; width: 10px; height: 10px;"></span> Multiple Uses	



100 200 300 400 500 Feet





CPA2004-00013

Aerial Map



Study Area

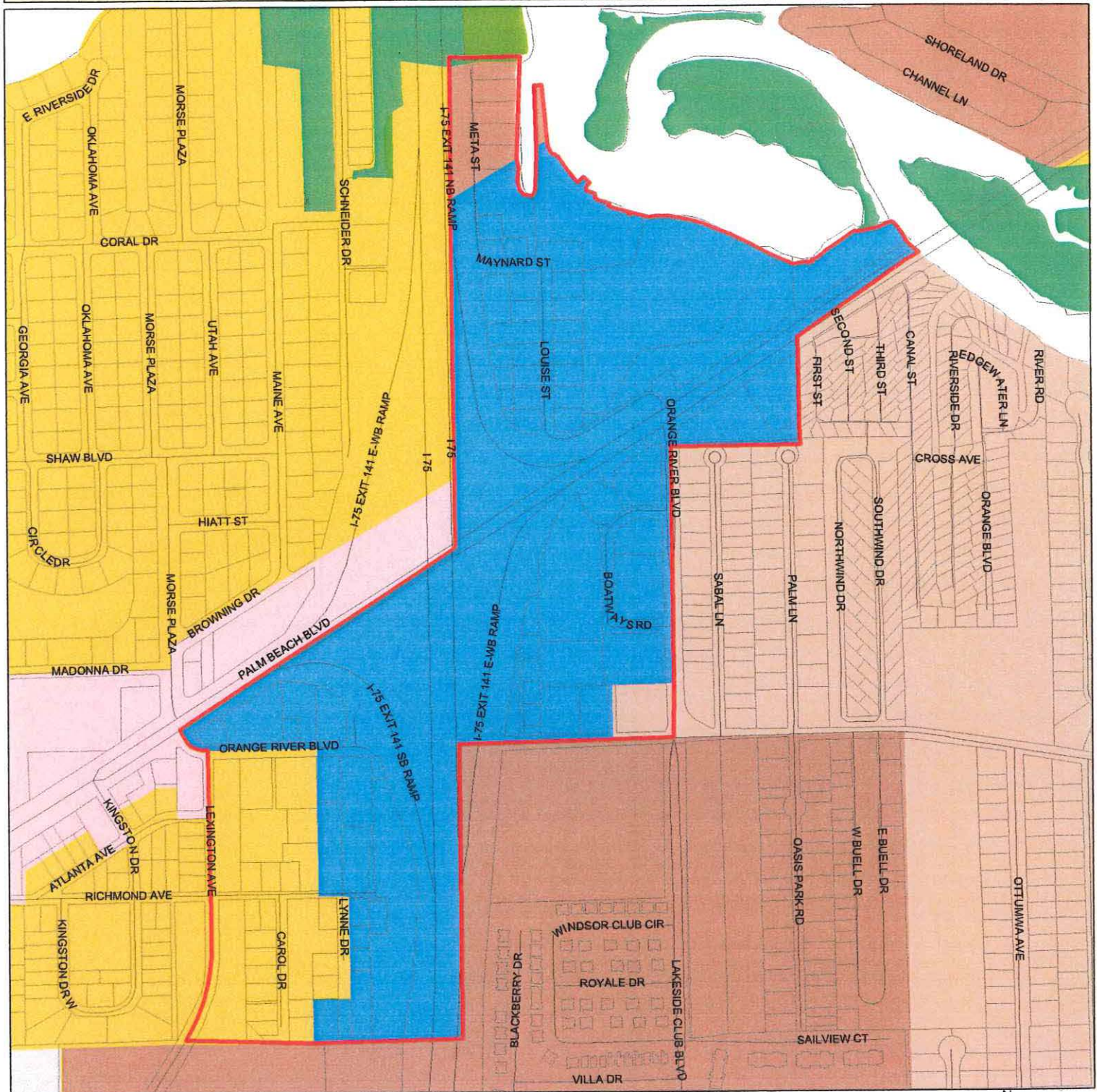
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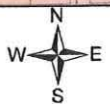


Study Area

### Future Land Use Designations

- Intensive Development
- Central Urban
- Urban Community

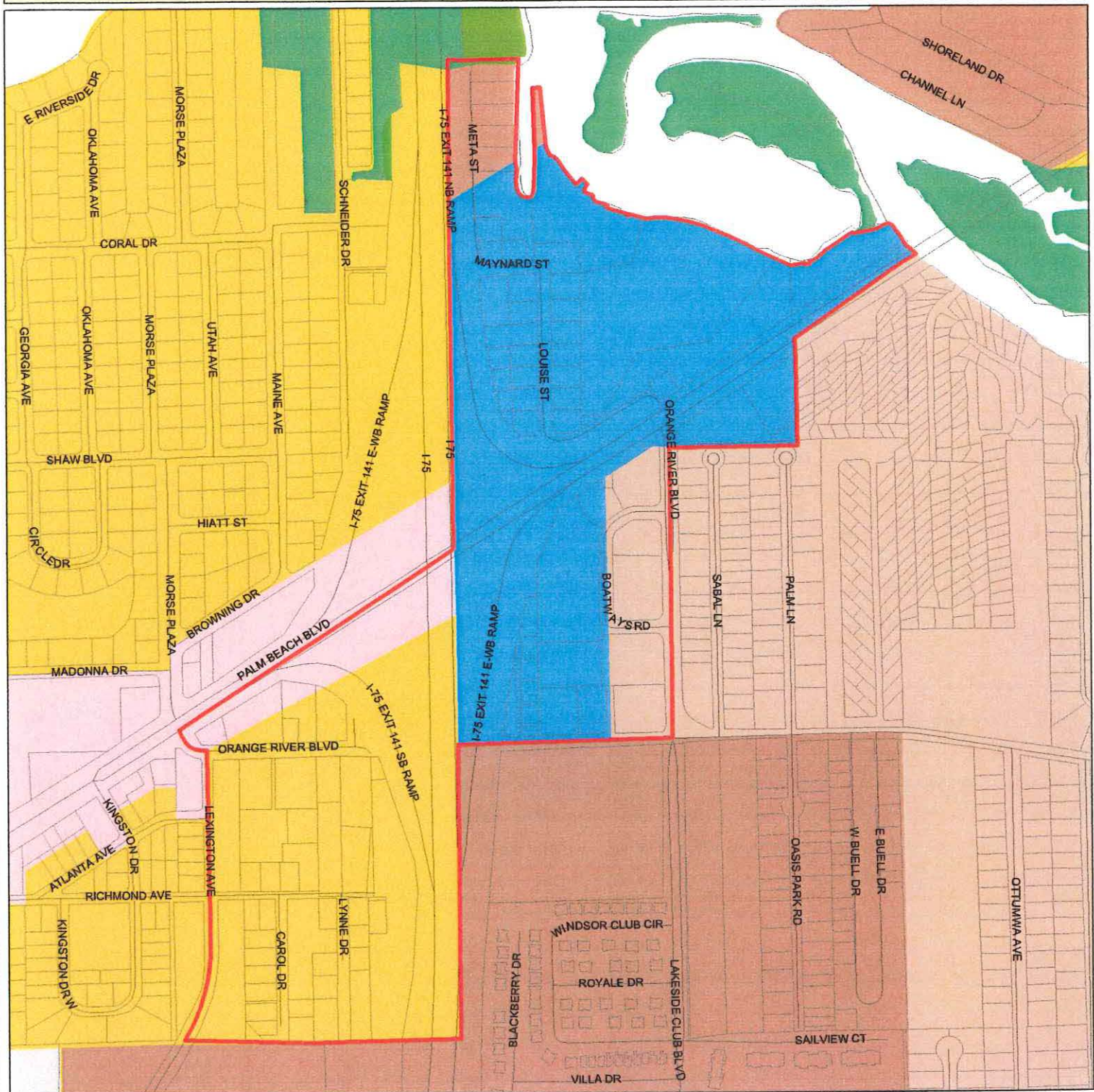
- Suburban
- Public Facilities
- General Commercial Interchange
- Conservation Lands - Uplands
- Wetlands
- Conservation Lands - Wetlands



100 200 300 400 500  
Feet







  Study Area

### Future Land Use Designations

Intensive Development

Central Urban

Urban Community

Suburban

Public Facilities

General Commercial Interchange

Conservation Lands - Uplands

Wetlands


Conservation Lands - Wetlands





# Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning 

Date: May 17, 2005

Subject: CPA 2004-00013 (I-75/SR 80 Interchange)

The Department of Transportation has reviewed the above-referenced Board-initiated future land use map plan amendment, to change 25.84 acres in the southwest quadrant from "Suburban" to "General Commercial Interchange" and to change 5 acres in the southeast quadrant from "Urban Community" to "General Commercial Interchange". Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans.

Thank you for this opportunity to comment. Please let me know if you have any questions.

DML/mlb

cc: Brandy Gonzalez  
Donna Marie Collins



**From:** Michael Pavese  
**To:** Gonzalez, Brandy  
**Date:** 5/11/05 4:04PM  
**Subject:** Re: CPA 2004-13 - Future land use amendment

Staff has reviewed your request for a determination regarding the adequacy of existing and planned services in this area and if the proposed future land use amendment referenced above may have any negative impact on these services.

It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Michael P. Pavese  
Principal Planner  
Department of Public Works Administration  
pavesemp@leegov.com  
(239)479-8762  
(239)479-8307 (fax)

>>> Brandy Gonzalez 05/06/05 09:58AM >>>  
May 6, 2005

Public Service/Review Agencies

RE: CPA2004-13 - BoCC Initiated Lee Plan Future Land Use Amendment

Planning Division staff requests your agencies help in reviewing the above referenced Lee Plan amendment. CPA 2004-13 is an amendment to evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area. Attached are two maps of the subject area - one map shows the existing future land use categories and the other shows the proposed future land use categories staff is recommending. Staff has evaluated the interchange area and is proposing future land use changes to the southeast and southwest quadrants of the interchange.

Changes in the southwest quadrant place the existing RV Sales center in the General Commercial Interchange land use category, removing it from the Suburban land use category (a primarily residential category that allows up to 6 units/acre). This change amends 11.87 parcel acres and 25.84 acres total when including the actual right-of-way of I-75 and S.R. 80. Although the area is already developed with commercial uses, staff estimates that the area would qualify for approximately 120,000 s.f. of commercial uses if redeveloped and no dwelling units.

Changes in the southeast quadrant place existing interchange uses (hotel/gas station) in the General Commercial Interchange land use category, removing it from the Urban Community land use category (a mixed category that allows up to 6 units/acre and up to 10 units/acre using bonus density). This change amends 5 acres of land. Again, although the area is already developed with commercial uses, staff estimates that the area would qualify for approximately 50,000 s.f. of commercial uses if redeveloped and no dwelling units.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than May 12, 2005. Staff apologizes for the short response time as this amendment was initiated late in the plan



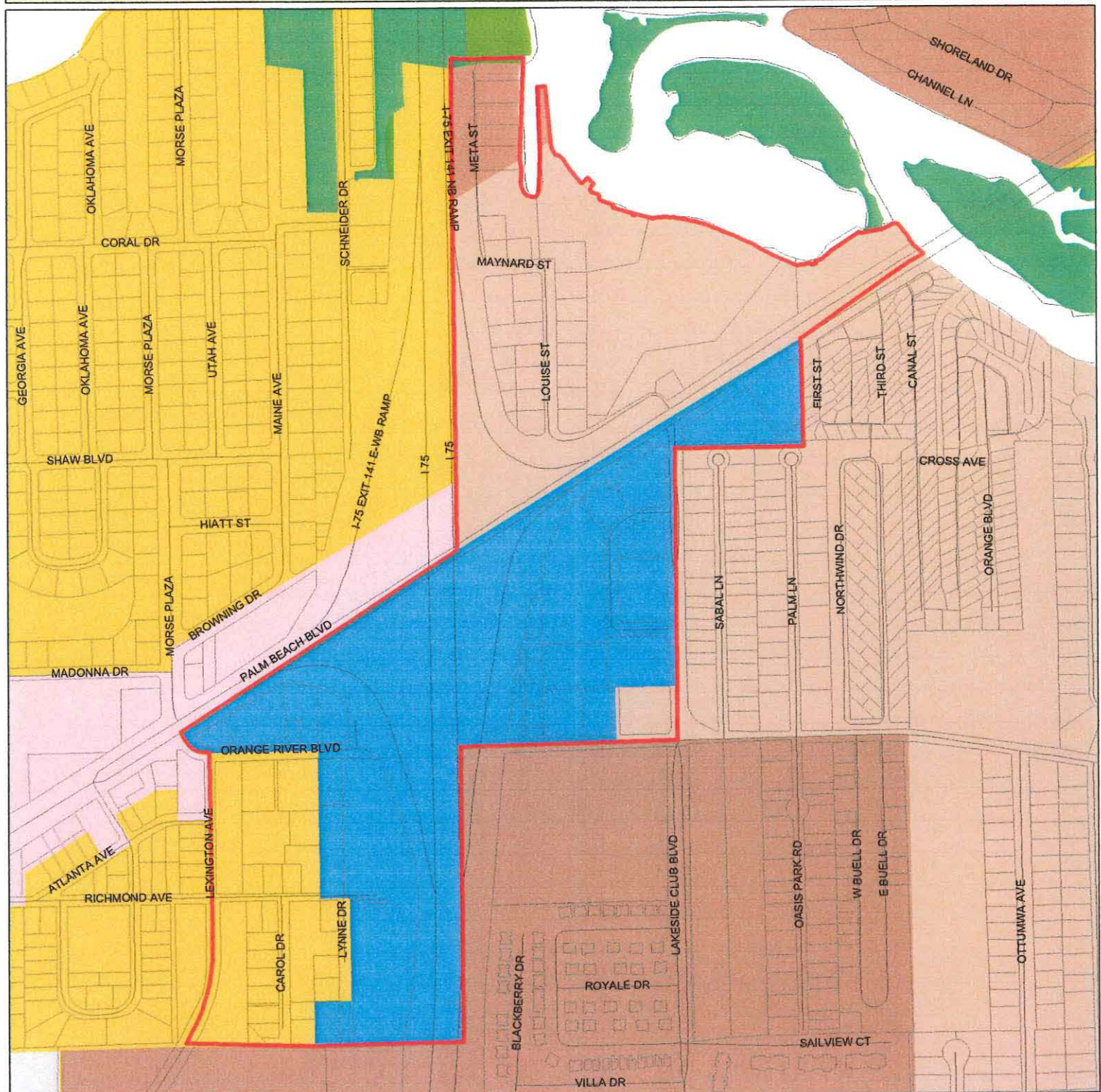
amendment cycle. Staff finds the amendment is fairly straightforward. The amendment adds commercial uses and removes residential uses in the interchange area. If this land use change includes any potential impact to your agencies budget, please include this information in your comments. Staff plans to take the proposed amendment before the Local Planning Agency May 23rd.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to call me at 479-8316.

Brandy Gonzalez  
Planner - DCD  
[bgonzalez@leegov.com](mailto:bgonzalez@leegov.com)  
Phone: 239-479-8316  
FAX: 239-479-8319

**CC:** Berra, David; Noble, Matthew; Yarbrough, John





  Study Area

### Future Land Use Designations

Intensive Development

Central Urban

Urban Community

Suburban

Public Facilities

General Commercial Interchange

Conservation Lands - Uplands

Wetlands

Conservation Lands - Wetlands





CPA2004-13

Attachment 6



## Comparison of the Hwy. 80 Interchange with the other Lee County Interstate 75 Interchanges

There are nine (9) Interstate 75 interchanges in Lee County. The interchanges involve county and state roads that are primarily east-west travel routes. The State Routes are Hwy. 78, 80 and 82. The interchanges are Bayshore (78), Palm Beach(80), Luccett, Martin Luther King Blvd(82), Colonial, Daniels, Alico, Corkscrew and Bonita Beach Road.

This analysis is based on the review of 2002 aerial photos covering each interchange and the ground truthing of each interchange to review the current uses and status. Each quadrant of the interchanges has different uses currently. In many instance the land type is similar. Many of the quadrants were originally existing farm fields or native pine flat woods with exotics or native vegetation.

Of the 36 quadrants of interstate interchanges in Lee County, the following uses are currently in place. Many of the use are on the same quadrant. Many of uses are in a complex of similar uses such as many fast foods grouped together with two or more gas stations.

Residential in 4 quadrants  
Gas Station in 5 quadrants  
Restaurants in 7 quadrants  
Retail or Shopping Centers/Malls in 8 quadrants. This includes RV sales , Heavy Duty Equipment Sales/Service, Home Depot, and Coca Cola Bottling Depot.  
Motel/Hotel in 4 quadrants  
Commercial marina  
Municipal Water Plant  
Sports/Entertainment Arena  
Interstate Rest Stop

Seventeen(17) of the 36 quadrants are not fully developed.

Eight (8) of the quadrants are vacant. Most of these are old farm fields.

There appears to be both adequate interstate user services and community commercial represented in the current uses in the nine interchanges. It is anticipated either further development of tourist and community service will occur. The Daniels and Colonial interchanges are the main gateway to the area including Cape Coral , Fort Myers and the Regional Airport and have developing restaurant, hotel and retail operation. None of the quadrants are unique in their land type or historic use. The vacant farm field quadrants are predominantly towards the south of the county where the growth in both residential and commercial development is currently proceeding.



The proposed comprehensive plan amendment involves the Hwy 80 interchange. The I-75/Hwy 80 Interchange is the second to the south on entering Lee County. It is directly south of the I-75 Bridge over the Caloosahatchee River. At this interchange there is currently a hotel, two restaurants, 2 gas stations, residential involving both single family homes and large mobile home parks, a commercial marina and eco-tourism business.

The Northeast quadrant of the Hwy 80 interchange is unique in land type and use. The quadrant involves the only waterfront property with a historic commercial marina near an interchange. The water access facility has been in place since the 1890 on the Orange River. The property is currently zoned Industrial Marine and Commercial Marine. The comprehensive plan has designated the property with a Water Dependent Overlay. The property has native vegetation of the "Old Florida" large oak and palm hammock type. The property is not appropriate for high commercial use such as shopping malls or outlet stores. The designation of Central Urban or Urban Community would be more appropriate and consistent with existing use, land type, and surrounding residential uses. These designations would allow mixed use development of the property congruent with the existing uses, the surrounding residential area and the historic water access.





INTERSTATE 75

WINGED BLVD

ORANGE BLVD  
WINGED BLVD

WINGED BLVD

422  
±1.69 Ac.

427  
±0.16 Ac.

743  
±0.40 Ac.

6128  
±0.26 Ac.

184  
±1.97 Ac.

184  
±1.46 Ac.

422  
±0.31 Ac.

422  
±0.34 Ac.

8145  
±0.37 Ac.

414  
±0.54 Ac.

427  
±2.52 Ac.

414  
±1.69 Ac.

414  
±0.14 Ac.

422  
±0.16 Ac.

194  
±1.94 Ac.

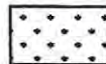
194  
±1.50 Ac.

S.R. 80 - Palm Beach Blvd.

LEGEND



PROPOSED ±10.0 ACRE PARCEL  
FOR FLUM CHANGE REQUEST



Wetlands Area

LEEWARD YACHT CLUB  
EXISTING VEGETATION MAP  
EXHIBIT 6A

PROJECT NO.: 2003.061-B

DECEMBER, 2003



6202-F Presidential Court  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Florida Certificate of Authorization No.1772  
Naples · Fort Myers · Venice · Englewood



# VEGETATION MAP

Leeward Yacht Club / Manatee World - ±19.53 Acres

Sec. 34, T. 43 S., R. 25 E.

E. Ft. Myers, Lee County, Florida

## UPLANDS

<u>CODE</u>	<u>DESCRIPTION</u>	<u>ACRES</u>
184	Existing Marina Complex	±6.43
194	Open/Cleared Land	±3.44
414	Pine-Oak-Cabbage Palm	±2.37
422	Brazilian Pepper Thicket	±3.58
427	Oak-Cabbage-Palm	±2.68
743	Cement Rubble	±0.40
8145	Abandoned Grade/Paved Roadway	±0.37

UPLANDS - Total

±19.27

## WETLANDS

<u>CODE</u>	<u>DESCRIPTION</u>	<u>ACRES</u>
6128	Mangrove / Brazillian Pepper Wetland	±0.26

JURISDICTIONAL WETLANDS - Total

±0.26

DATE: December 4th, 2003

Southern Biomes, Inc.  
Division of Environmental Information Services

1602 Woodford Ave., Ft. Myers, FL 33901

Tel.: (941) 334-6766

Geza Wass de Czege, President

LEEWARD YACHT CLUB

EXISTING VEGETATION TABLE

EXHIBIT 6B



INTERSTATE 75

66

28

11

SR. 80 Palm Beach Blvd.

MANGROVE ISLAND

ORANGE RIVER  
APPROX. CENTERLINE

MANGROVE ISLAND

MANGROVE ISLAND

## LEGEND

- 11 Myakka Fine Sand
- 28 Immokalee Sand
- 66 Caloosa Fine Sand



PROPOSED ±10.0 ACRE PARCEL  
FOR FLUM CHANGE REQUEST



NORTH  
1" = 400'

LEEWARD YACHT CLUB

EXISTING SOILS MAP

EXHIBIT 7

PROJECT NO.: 2003.061-B

DECEMBER, 2003

**HM**  
**HOLE MONTES**  
ENGINEERS-PLANNERS-SURVEYORS

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Florida Certificate of Authorization No.1772  
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Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

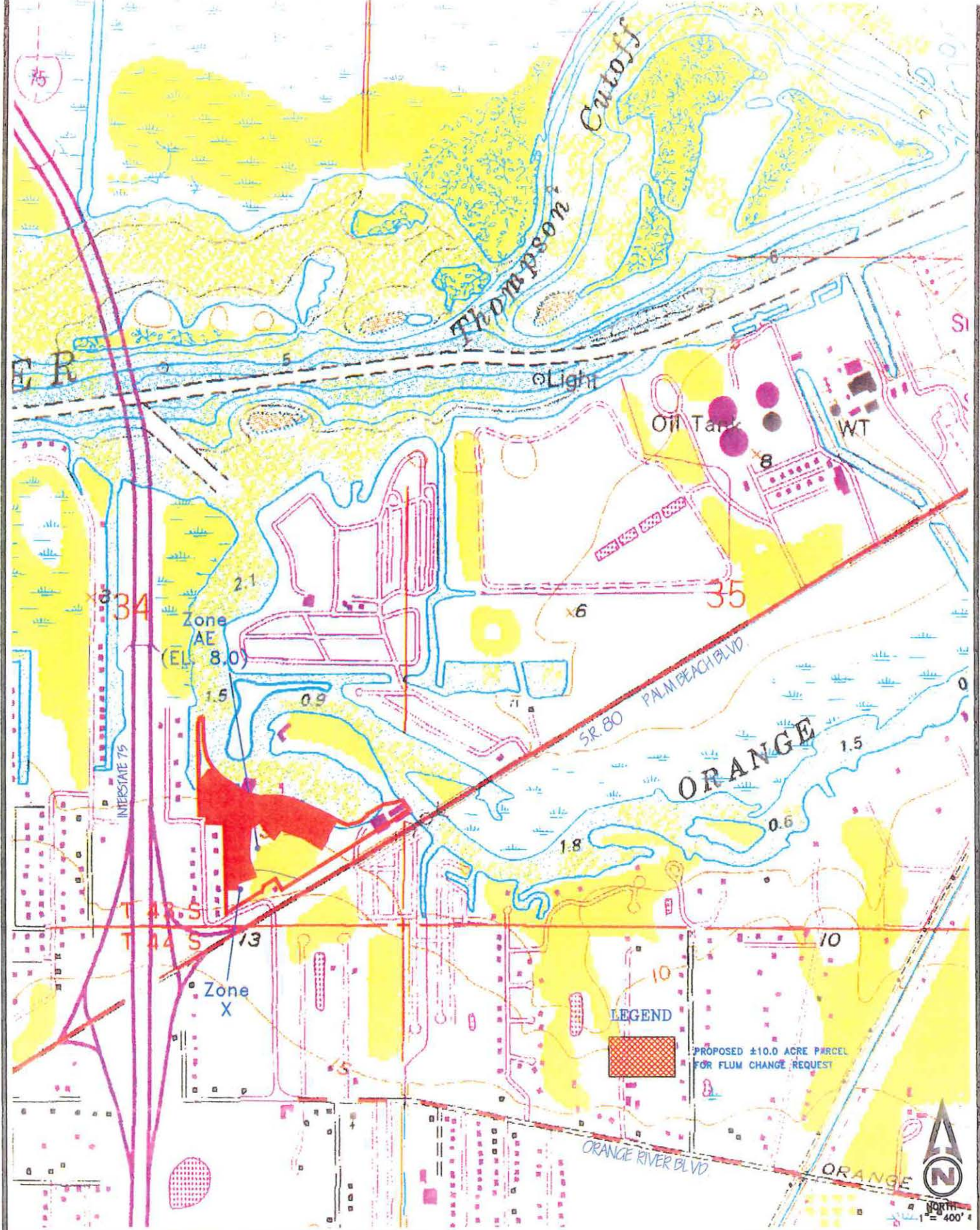
**Soils Description:**

The U.S. Soil Conservation Service's Soils Map reveals three (3) soil types on the property. Immokalee sand (28) is found throughout the majority of the subject property, Caloosa fine sand (66) is found in the northwestern portion of the subject property, and Myakka fine sand (11) is found in the eastern portion of the subject property. The following text provides a brief summary of each of the soil types:

Code    Description

- |    |  |
|----|--|
| 11 | Myakka fine sand is a nearly level, poorly drained soil on broad flatwoods areas. Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the next 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable. The natural vegetation consists of saw palmetto, fetterbush, pineland threeawn, and South Florida slash pine.                     |
| 28 | Immokalee sand is a nearly level, poorly drained soil in flatwoods areas. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very brown sand to a depth of 80 inches or more. The natural vegetation consists of saw palmetto, fetterbush, pineland threeawn, and South Florida slash pine.   |
| 66 | Caloosa fine sand is a nearly level, somewhat poorly drained soil formed by dredging and filling and by earthmoving operations. Typically, the surface layer is about 10 inches of light brownish gray, mixed mineral material of fine sand and lenses of silt lam with about 10 percent shell fragments. The next 17 inches is pale brown and gray, clay loam. The next 11 inches is light gray silty clay with brownish yellow mottles. Below this to a depth of 80 inches or more is gray silty clay with dark gray streaks and brownish yellow mottles. Most of the natural vegetation has been removed. However, the existing vegetation consists of scattered South Florida slash pine, wax myrtle, cabbage palm, improved pasture, and various scattered weeds. |





LEEWARD YACHT CLUB  
USGS TOPO EXHIBIT  
EXHIBIT 8

FILE NO.: 2003.061-8

DECEMBER, 2003

**H M**  
**HOLE MONTES**  
ENGINEERS-PLANNERS-SURVEYORS

6202-F Presidential Court  
Fort Myers, FL 33919  
Phone : (239) 985-1200  
Florida Certificate of Authorization No.1772  
Naples Fort Myers Venice Englewood



## **ATTACHMENT B.2(a)**

### **Sanitary Sewer Analysis**

The property is located within the Lee County Utilities waste water service area. Lee County has an inter local agreement with the City of Fort Myers by which Lee County has purchased capacity in the plant for the treatment of waste water from the County's service area adjacent to SR 80 and I-75. The closest point of service is at the intersection of Louise Street and SR 80, where LCU has a regional sewer pumping station which pumps waste water from eastern Lee County to the City of Fort Myers. A large capacity 36-inch gravity sewer system composed of two manholes delivers waste water from a 24" force main into the pumping station. The City of Fort Myers North Waste Water treatment Plant currently has a capacity of 11.0 MGD, with a current demand of 9.0 MGD during the summer and 6.0 MGD during the winter months. Based on the existing Future Land Use Map (FLUM) designation of General Interchange, the estimated demand is 0.015 MGD (100,000 sf Retail/Commercial). Based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM. However, no improvements will be necessary to service the additional demand. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.



## **ATTACHMENT B.2(b)**

### **Potable Water Analysis**

The property is located within the Lee County Utilities water service area. The closest service line is at the corner of SR 80 and Louise Street (20" water transmission main). Presently the Lee County Utilities Olga Water Treatment Plant has a capacity of 5.0 MGD, with a current demand of 4.891 MGD. In addition, Lee County Utilities is in the process of building the North Regional Water Treatment Plant which will be online within two years. Based on the existing Future Land Use Map (FLUM) designation of General Interchange, the estimated demand is 0.015 MGD (100,000 sf Retail/Commercial). Based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM. However, no improvements will be necessary to service the additional demand. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.



## **ATTACHMENT B.2(c)**

### **DRAINAGE/SURFACE WATER MANAGEMENT ANALYSIS**

The property is located within the Caloosahatchee River Watershed. The proposed project will be required to obtain an Environmental Resource Permit from the South Florida Water Management District (SFWMD) for construction and operation approval, and will require compliance with the Lee County's Level of Service Policy 70.1.3. for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (2001/2002 – 2002/2003), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE.



## **Attachment B.2.d.**

### **Existing and Future Conditions Analysis**

#### **Parks, Recreation and Open Space**

The subject property is located in Community Park District 3. According to the Lee County Concurrency Management Inventory and Projections 2001/2002 – 2002/2003, this district currently contains 147 acres of community parks, while the required level of service is 55 acres. A future expansion of Veterans Park will increase the inventory by 36 acres. The increased demand created by this amendment is .167 acres (100 units x .8 acres/1000 permanent population), which is de minimis.



## **Attachment E**

### **INTERNAL CONSISTENCY with the LEE PLAN**

- 1. Discuss how the proposal affects established Lee County projections, Table 1(b) (Planning Community Year 2020 allocations), and the total population capacity of the Lee Plan Future Land Use Map.**

Table 1(b) has an allocation of 633 acres in the Urban Community land use category within the Fort Myers Shores Planning Community. Of this total, 360 are still available. The proposed amendment would add approximately 200 residents to the County's total population capacity, which is not significant in a County population that is approaching 500,000 residents.

- 2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an avaluation of all relevant policies under each goal and objective.**

The overall policy question related to this change is whether a mixed use residential yacht club with public marina and related commercial uses is preferable to twenty acres of General Interchange commercial uses in this location. Although the entire project is not the subject of this plan amendment, it helps to provide the underlying rationale for this ten acre change and will provide useful context for the discussion of the individual policies. As indicated, this application will only address new residential uses for ten of the twenty acres, in lieu of General Interchange commercial uses.

#### **Goal 1 - Future Land Use Map.**

This Goal calls for the Future Land Use Map to protect natural and manmade resources, provide essential services in a cost effective manner and discourage urban sprawl. The proposed amendment will allow for the development of a classic infill development site. In addition, the ultimate reconfiguration of the marina will provide better protection for the navigation channel of the Orange River.

#### **Objective 1.1 - Future Urban Areas.**

This objective calls for the Land Use Map to provide categories of varying intensities to provide for a full range of urban activities. Given the availability of highway commercial activity at other quadrants of this interchange, a conversion to residential uses will actually provide more variety and choice without unduly diminishing the supply of needed services to the traveling public.



#### **Policy 1.1.1.**

This policy references Map 16 and Table 1(b), which are the planning community acreage allocation tables. Fort Myers Shores Planning Community has 633 acres of Urban Community assigned to it of which 360 acres are still available for development. There will need to be revision to Table 1(b) to accommodate the remainder of the development during the next round of regular amendments.

#### **Policy 1.1.4.**

This policy is the definition of Urban Community which are identified as areas outside of Ft. Myers and Cape Coral with a mixture of relatively intense commercial and residential uses. This description fits the subject property and there is Urban Community on the south side of Palm Beach Blvd. Standard density range is 1 to 6 DU's per acres, with a maximum using bonus density of 10 units per acre.

#### **Policy 1.3.2.**

This is the definition of a General Interchange area which is intended primarily for land uses that service the traveling public. There is already a large complex of traveling public services on the southeast quadrant of I-75 and S.R. 80 which adequately serves the intent of the category for this interchange. This category does not allow residential uses, hence the need for the amendment.

#### **Policy 1.5.1.**

This policy provides guidance for the Wetlands land use category. There are no wetlands within the ten acres subject to this amendment, but a very small portion of the remainder of the project is wetlands and will be protected as part of the zoning and site review process.

#### **Policy 1.7.6.**

This policy regulates the planning communities' map and acreage allocation table. There is adequate capacity within Table 1(b) to accommodate the ten acres of Urban Community proposed in this amendment.

### **Goal 2 - Growth Management.**

This goal provides guidance on location and timing of new developments with respect to infrastructure and services.



### **Objectives 2.1 and 2.2.**

These reference development location and development timing, and this application is consistent with these two objectives since it is an infill parcel that is well served by all necessary facilities and services.

Perhaps the most relevant portion of the Lee Plan is Goal 5 dealing with residential land uses and related policies. Goal 5 calls for the County to provide sufficient land in appropriate locations to accommodate the protected population of Lee County in attractive and safe neighborhoods.

### **Policy 5.1.5.**

This policy speaks to protecting existing future residential areas from any encroachment or uses that are potentially destructive to the character or integrity of the residential environment. There is a single-family subdivision called Dos Rios which is located immediately east of I-75 and north of S.R. 80. In fact, access to the Hansen marina is currently through this single-family subdivision, which is less than desirable. Although the single-family subdivision has been in existence since 1960, it did develop after the marina and has always had that neighboring land use. However, it did precede the construction of I-75 by over twenty years which makes the General Interchange designation very awkward.

This land use amendment will allow for the replacement of potentially incompatible highway commercial uses next to a single-family subdivision with a high-quality residential community, and will also relocate the entrance to this new community away from the Dos Rios subdivision. This would be a much better land use pattern for this area than the current Lee Plan land use designation would dictate. The new development would also be consistent with **Policy 5.1.6** which requires appropriate open space, buffering landscaping and recreation facilities and **Policy 5.1.7** which requires appropriate community facilities and an interconnected design with pedestrian and bicycle pathways.

Although the requested amendment for ten acres does not include the marina site, the overall development will be very consistent with **Goal 8** and the related policies under **Objective 98.5**, **Objective 98.6** and **Map 12** relating to marine oriented land uses.

The project is also consistent with **Goal 11**, as it will be connected to central water and sewer service with available capacity and S.R. 80 is currently operating at LOS "A".

The newest amendment to the Lee Plan that is relevant to this request is



**Goal 13** and related Objectives and Policies for the **Caloosahatchee Shores Community Plan**. That Plan did not address the General Interchange area in any detail, but it did encourage attractive mixed use development, especially along S.R. 80. The **Calloosahatchee Shores Community Plan** in general is encouraging a more rural development style for the majority of the community, but clearly the land next to I-75 in the General Interchange area is in a different situation. There is nothing in the requested amendment that should be inconsistent with the **Caloosahatchee Shores Community Plan**, and in general it promotes the broad goals and objectives of that plan.

**Goal 100** deals with housing and calls for the County to provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County. This development would be consistent with that goal and related policies, especially **Policy 100.1.9** and **Policy 100.9.5**.



## **Attachment E.4**

### **INTERNAL CONSISTENCY with the LEE PLAN**

### **CONSISTENCY WITH STATE AND REGIONAL PLANS**

The proposed amendment from General Commercial to Urban Community is intended to permit an attractive mixed use development with residential, commercial, and water-dependent components in an area that has already been determined to be suitable for intense commercial uses. The amendment, therefore, is consistent with the following State and Regional Plan provisions which encourage mixed uses and infill projects:

#### **State Plan**

1. Land Use Policy 3
2. Urban and Downtown Revitalization Policy 12

#### **Regional Plan**

1. Affordable Housing Goal 2, Strategy 1, Action 2
2. Economic Development Goal 1, Strategy 4, Action 3
3. Economic Development Goal 1, Strategy 4, Action 5
4. Regional Transportation Goal 2, Strategy 1, Action 4



## **Attachment G**

### **Justification of Request**

As referenced in the discussion under Lee Plan Consistency, it is more appropriate to consider the complete project when analyzing the benefits of this plan amendment from General Interchange to Urban Community. While the amendment at hand is for ten acres of land, that is actually a first step in a larger project to develop approximately twenty acres into a first class condominium / yacht club with public marina and minor related commercial uses. This will be a true mixed use development that takes maximum advantage of one of the remaining prime waterfront parcels in Lee County. To utilize this property for gas station and motels would be a terrible waste of the resource, as well as being incompatible with the neighboring Dos Rios subdivision to the west. In terms of neighbor compatibility, the residential development and yacht club will be a major improvement over highway commercial for the existing Dos Rios residents, and the relocation of the main entrance to the Hanson Marina from their development will also be a major improvement in the land use pattern and neighborhood compatibility.

The other factor to consider is the availability of services and infrastructure, and in most cases ten acres of residential development will place less demand on utilities and infrastructure than ten acres of commercial development. The two exceptions to this will be parks and schools which will have an additional impact as a result of residential development, but the analysis provided under the Comp. Plan discussion shows that the impact will be minimal. We have provided letters from the service providers indicating that they can handle this change with no great complications.

As indicated, there is already a major complex of highway-oriented commercial uses developing in the southeast quadrant of I-75 and Palm Beach Blvd., and that is more than adequate to serve the needs of the traveling public in this location. Therefore, the conversion of this land from General Interchange to Urban Community will represent an improvement to the Land Use Plan and a much better pattern of development for the existing residents and surrounding property owners.



# Endangered Species Report For Lee County Rezoning

## Leeward Yacht Club ±19.53 Acre Parcel

Sec. 34, T43S, R25E, Lee County, Florida

December 19, 2003

### Engineers:

Hole Montes, Inc.  
6202-F Presidential Court  
Ft. Myers, FL 33919  
(239) 985-1200

conducted by:

### **Southern Biomes, Inc.**

#### **Division of Environmental Services**

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994  
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028



**Southern Biomes, Inc.**

**Division of Environmental Services**  
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Geza Wass de Czege, President

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Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL  
December 19, 2003

**BASIS OF REVIEW FOR AN ENVIRONMENTAL IMPACT STUDY**  
**WITHIN LEE COUNTY**

1. **VEGETATION MAP:** An aerial photographic map circumscribing the vegetative associations, using the Florida Land Use and Cover Classification System (FLUCCS) code to identify the vegetative communities is provided with this report.
2. **VEGETATION INVENTORY:** A brief description of habitat types, with dominant canopy, midstory, and ground cover vegetation are provided in the following text.

**SITE DESCRIPTION:** The subject property consists of a 19.53-acre irregular shaped parcel located on the north side of State Road 80, approximately 250-300 feet east of Interstate 75 and along the Orange River just south of the Caloosahatchee River. Residential homes are located to the west, between I-75 and the subject property. To the north and northeast is the Orange River, and State Road 80 to the south and southeast.

There is a total of eight (8) land use or vegetative cover classifications on site, with seven (7) classified as upland vegetation associations and one (1) classified as a wetland vegetative association. These land use and cover associates are delineated on the vegetation map and coded per the Florida Land Use and Cover Classification System (FLUCCS). The following text is a brief description of each of the land use or vegetative cover identified:

**UPLANDS (19.27 acres):**

There are approximately 19.27 acres of uplands, of which approximately 6.43 acres are associated with two existing marina complexes (FLUCCS code 184), which includes Hansen Marina and Manatee World, with all the storage buildings, maintained yard areas, equipment storage areas, and vehicle parking facilities. Several docks and covered buildings extend out over the water. The open, or cleared, land (FLUCCS code 194) divides the undeveloped portion of the subject property into three distinct areas: a western area along the western property boundary; a central area which is primarily forested; and



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Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

an eastern area which includes a forested area with a mangrove and Brazilian pepper wetland.

The western area consists of three cover types or vegetative communities. Along the western property boundary leading to the existing marina is an old, abandoned roadway (FLUCCS code 8145) most likely used to access the marina at one time. Portions of the roadway appear to have been graded and paved, and other portions only have the road base fill material. Adjacent to the old roadway is a pine-oak-cabbage palm forested area (FLUCCS code 414). To the north of the pine-oak-cabbage palm area are two small Brazilian pepper thickets (FLUCCS code 422) consisting of >75% Brazilian pepper in the canopy and midstory. Considerable amount of litter and waste material dumping has occurred throughout the area.

The central area consists of a large forested area. The southerly portion of the forested area consists of a mature slash pine-cabbage palm-oak forested area (FLUCCS code 414) similar in vegetation as in the western area, but with less Brazilian pepper and Java plum, and a more open midstory. To the north is an oak-cabbage palm area (FLUCCS code 427) with large mature oaks, with various other types of vegetation scattered in the canopy and midstory. The groundcover consists mostly of leaf litter with scattered caesarweed, fox grape, catbrier, and low panicum. Further to the north are two dense Brazilian pepper thickets (FLUCCS code 422) similar in vegetation as the one located in the western area. Within these areas are numerous old boat hulls, old vehicle frames, trailer frames, old discarded building materials, and numerous other trash. Located within the southern Brazilian pepper thicket is a small oak-cabbage palm area (FLUCCS code 427).

The eastern area abuts the Orange River to the north. There are a total of four cover types or vegetative communities in this area, three upland communities and one wetland community. The southerly communities consist of a small pine-oak-cabbage palm area (FLUCCS code 414) and a small Brazilian pepper thicket (FLUCCS code 422). An area of concrete and iron rubble (FLUCCS code 743) is located to the northwestern portion of the area, with a crescent shaped mangrove-Brazilian pepper wetland (FLUCCS code 6128) that wraps around an old bridge rubble, and separates this area from Manatee World marina complex. The following text provides the FLUCCS codes, acreages, and descriptions of each cover type found on the property.



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Lee County, FL

December 19, 2003

**Existing Marina Complex- 184:** (6.43 acres) This land cover type is composed of the two existing marina complexes which include the marina facilities, old storage buildings, maintained yard areas, equipment storage areas, and vehicle parking areas. Most of this area appears to consist of dredged fill material. Several docks and covered buildings extend out over the water but are not part of the acreage calculations.

**Open/Cleared Land- 194:** (2.81 acres) This land cover consists of cleared, open land with ruderal vegetation and grasses dominating. Most of this cover type that lies northerly of the FLUCCS code 427 appears to consist of dredged fill material. This area is primarily used for access to the water front, materials stored on the property, and for cattle grazing, and appears to be mowed regularly.

**Pine-Oak-Cabbage Palm- 414:** (2.37 acres) This land cover consists of a forested area with canopy and midstory vegetation consisting of slash pine, live and laurel oaks, cabbage palms, and Java plums, Surinam cherry, with scattered Brazilian pepper. The groundcover is mostly leaf litter and sand with occasional ruderal weeds and young trees or shrubs.

**Brazilian Pepper Thicket- 422:** (3.58 acres) This land cover consists of a Brazilian pepper thicket consisting of >90% Brazilian pepper in the canopy and midstory, in addition to java plum and a few scattered slash pines and cabbage palms. Most of this area appears to consist of dredged fill material. Also, a considerable amount of dumping has occurred throughout the area.

**Oak-Cabbage Palm- 427:** (2.68 acres) This community consists of a forested area with large live oaks and laurel oaks, with scattered cabbage palms, slash pines, strangler fig, and Java plums, with a relatively open midstory of scattered Brazilian pepper, wax myrtle, young cabbage palms, guava, and Surinam cherry. The groundcover consists mostly of leaf litter or ruderal weeds. This area also has several old discarded vehicles, boats, and other materials.

**Cement Rubble- 743:** (0.40 acres) This area appears to have been used for dumping of concrete and steel rubble from what possibly could have been the old S.R. 80 bridge crossing the Orange River. Brazilian pepper, woman's tongue, cabbage palms and ruderal weeds dominate the vegetative cover.

**Abandoned Graded/Paved Roadway- 8145:** (0.37 acres) This area consists of an old abandoned roadway, most likely used to access Hansen Marina. Portions of the roadway appear to be graded and paved, and other portions only have the base grade. Most of the ground and midstory vegetation have been cleared for fence maintenance purposes, but canopy trees such as live oaks, Java plums, mangos, cabbage palms, and slash pines are common along the edge of the roadway.



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Lee County, FL

December 19, 2003

### WETLANDS ( 0.26 ac.)

A mangrove and Brazilian pepper wetland (FLUCCS code 6128) is located along the northeastern end of the vegetated area, and fringes the Orange River. The most northern portion of it is tidal, but the southern finger is dominated by 95% Brazilian pepper, with scattered cabbage palms, and is not tidal. The tidal area is dominated with red and white mangrove, pond apple, leather ferns, and Brazilian pepper. A summary table of all the vegetative communities is listed below, with the representative FLUCCS codes and acreages.

**Mangrove/Brazilian Pepper Wetland- 6128:** (0.26 acres) This vegetative community can be divided into two specific areas; the northerly area consists of dense stands of red and white mangroves, with scattered pond apple, leather fern, swamp ferns, and Brazilian pepper. The southerly portion of the wetlands consists of Brazilian pepper and cabbage palms, with scattered swamp ferns. The northerly portion is tidal, while the southerly portion is not, unless there are extraordinary high tides.

### Habitat Summary

<u>Code</u>	<u>Description</u>	<u>Acres</u>
<u>Uplands (19.27 acres)</u>		
184	Existing Marina Complex	6.43
194	Open/Cleared Land	3.44
414	Pine-Oak-Cabbage Palm	2.37
422	Brazilian Pepper Thicket	3.58
427	Oak-Cabbage Palm Hammock	2.68
743	Cement Rubble	0.40
8145	Abandoned Roadway	0.37
<u>Wetlands (0.26 acres)</u>		
6128	Mangrove/Brazilian Pepper Wetland	<u>0.26</u>
TOTAL		19.53



## **Southern Biomes, Inc.**

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Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

### **4.2.2 Fish, Wildlife, Listed Species and their Habitats**

Pursuant to paragraph 4.1.1(a), an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to:

- (a) the abundance and diversity of fish, wildlife and listed species; and
- (b) the habitat of fish, wildlife and listed species.

In evaluating whether an applicant provided reasonable assurances under subsection 4.2.2, de minimis effects shall not be considered adverse impacts for the purposes of this subsection.

**Response:** An endangered species survey was conducted on the subject property on December 4, 2003. The weather was partly sunny with temperatures in the low to mid 70s with a moderate breeze. The following information provides you with the details of the survey methodology and the results.

#### **Endangered Species Survey Methodology:**

The entire project site has been field surveyed for endangered species using a modification of the transect line methods established by the Florida Fish and Wildlife Conservation Commission. The modified survey methodology has proven effective in covering 90-95% of the sites surveyed. The modified strip census uses meandering transect lines at 100' - 150' intervals. The meanders extend into adjoining transect lines to provide a near 100% coverage. The ground cover and visibility determine the frequency of the meanders. More densely vegetated areas receive a greater frequency of meanders, thus decreasing the area between meanders in some habitats to as near as 12' apart. If the terminus flagging markers of the transect lines are not visible, then survey flagging tape is attached to vegetation at the outer extent of the transect meanders to mark the coverage area for that transect. The visibility of the flagging tape assists in maintaining the transect direction, and is used as a gauge for determining the frequency of meanders within a transect area. Each tape must be visible from the previous meander. On the subsequent transects, the flagging tape is removed and relocated at the outer limits of its transect area. Faunal species which do not lend themselves to the typical transect line survey methodology, typically used for determining stationary floral and faunal species, require an additional method of observation. These species can be best observed by using game stalking techniques and periodic observations with field glasses at frequent intervals along transect lines. The frequency and duration of observations are determined



**Southern Biomes, Inc.**  
**Division of Environmental Services**  
**1602 Woodford Ave., Ft. Myers, FL 33901**

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

by habitat density, species observed, and the stalking skills of the observer. The ability to blend into the surroundings is another key requirement for success.

Any species observed were noted on an aerial photograph as to location and number of species sighted. Species presence and abundance on a given site cannot be determined for all species listed. Therefore, fauna which are mobile, transient, or deceptive are not always observed during a typical field survey such as required by Lee County. This is especially true for species abundance. Therefore, the status of each species is listed as to presence and numbers observed, and those species that can be reasonably surveyed for abundance are provided with such data.

**Listed Endangered, Threatened or Species of Special Concern**

**Upland Species List:**

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Obs.</u></b>	<b><u>Comments</u></b>
Eastern indigo snake	<i>Drymarchon corais couperi</i>	no	not observed
gopher tortoise	<i>Gopherus polyphemus</i>	no	not observed
gopher frog	<i>Rana areolata</i>	no	not observed
merlin (pigeon hawk)	<i>Falco columarius</i>	no	not observed
S'eastern American Kestrel	<i>Falco sparverius paulus</i>	no	not observed
red-cockaded woodpecker	<i>Picoides borealis</i>	no	not observed
Florida panther	<i>Felis concolor coryi</i>	no	not observed
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	no	not observed
Florida black bear	<i>Ursus americanus floridanus</i>	no	not observed
Curtis Milkweed	<i>Asclepias curtissii</i>	no	not observed
Fakahatchee burmannia	<i>Burmannia flava</i>	no	not observed
satinleaf	<i>Chrysophyllum olivaeforme</i>	no	not observed
beautiful pawpaw	<i>Deeringothamus puichellus</i>	no	not observed
Florida coontie	<i>Zamia Floridana</i>	no	not observed

**Wetland Forest Species List:**

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Obs.</u></b>	<b><u>Comments</u></b>
American alligator	<i>Alligator mississippiensis</i>	no	not observed
gopher frog	<i>Rana areolata</i>	no	not observed
marsh hawk (n'thrn harrier)	<i>Circus cyaneus</i>	no	not observed
little blue heron	<i>Egretta caerulea</i>	yes	along waterfront
snowy egret	<i>Egretta thula</i>	yes	along waterfront
tricolored heron	<i>Egretta tricolor</i>	no	not observed
white ibis	<i>Eudocimus albus</i>	no	not observed
wood stork	<i>Mycteria americana</i>	no	not observed
snail kite	<i>Rostrhamus sociabilis</i>	no	not observed
Florida panther	<i>Felis concolor coryi</i>	no	not observed
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	no	not observed
Florida black bear	<i>Ursus americanus floridanus</i>	no	not observed
Everglades mink	<i>Mustela vision evergladensis</i>	no	not observed
Westt Indian Manatee	<i>Trichechus manatus</i>	no	not observed
least tern	<i>Sterna antillarum</i>	no	not observed
giant leather fern	<i>Acrostichum spp.</i>	yes	within the wetland



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**Division of Environmental Services**  
**1602 Woodford Ave., Ft. Myers, FL 33901**

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Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

**Endangered Species Survey Results and Conclusion:**

No listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey. However, the giant leather ferns were found within the tidal portion of the wetlands and will not be impacted by any proposed development. During other site visits there were wading birds observed along the edges of the Orange River waterfront, and on the uplands adjacent to it. These birds consisted of two little blue herons and one snowy egret. No other species were observed, but species which might be expected to be found during some portion of the year are alligators, manatees, white ibis, tricolor heron, woodstork, and possibly a kestrel.

It should be noted that the Orange River has one of the largest populations of wintering West Indian manatees (*Trichechus manatus*) in the State of Florida. This is attributed to the Florida Power and Light Company discharging warm water into the river from their power generator cooling facilities. During cold weather the manatee migrate up the Caloosahatchee River to seek warmth from this artificial heat source. Therefore, we can also assume that manatees will venture into the marina areas during warmer periods. Any proposed activity associated with the Marina will require a manatee protection plan as part of the permit application.



# TICE FIRE & RESCUE DISTRICT

**Chief**  
**Gregory A. Bradley**  
**(239) 694-2380**

**5170 Tice Street**  
**Ft. Myers, Fl. 33905**  
**Fax (239) 694-7399**

February 4, 2004

**VIA FACSIMILE & FIRST CLASS MAIL**

Michael E. Roeder, AICP  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street  
Post Office Box 2449  
Fort Myers, Florida 33902-2449

**Re: Small Scale Plan Amendment for Hansen Marina**

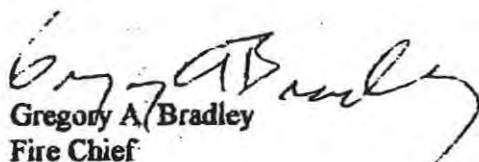
**Dear Mr. Roeder:**

In regards to the above-referenced property, Tice Fire District has no objections to the proposed amendment at this time.

We will request and anticipate incorporating any of our needs between the developer and our District as the development of the project proceeds.

If you have any questions, please give me a call.

Sincerely,

  
Gregory A. Bradley  
Fire Chief

GAB/rs





# LEE COUNTY

## SOUTHWEST FLORIDA

### BOARD OF COUNTY COMMISSIONERS

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District One

Douglas R. St. Camy  
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Ray Judah  
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Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

239-335-1600

Writer's Direct Dial Number: [wilsonjd@leegov.com](mailto:wilsonjd@leegov.com)

January 5, 2004

Mr. Michael E. Roeder, AICP  
Director of Zoning & Land Use Planning  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street  
Fort Myers, FL 33901

**Re: Written Determination of Adequacy for EMS Services for a  
land use amendment for a proposed 10 acre (STRAP 34-43-25-00-  
00010.0000) residential development.**

Dear Mr. ~~Roeder~~ *Michael*:

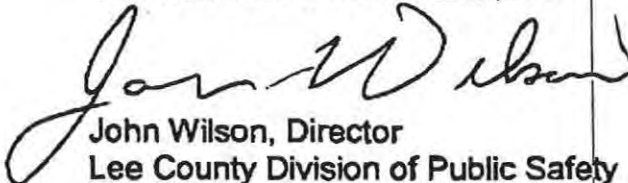
Lee County Division of Public Safety/Emergency Medical Services has reviewed your letter dated December 23, 2003, reference to a proposed 10 acre residential development with a build out population of approximately 200 people in 5-story condominium buildings.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY

  
John Wilson, Director  
Lee County Division of Public Safety

JDW/GDW



*Office of the Sheriff  
Rodney Shoap*



*County of Lee  
State of Florida*

January 2, 2004

Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

REC-  
Kno

AM JAN 07 2003 PM  
7 8 9 10 11 12 1 2 3 4 5 6

RE: Small Scale Plan Amendment for Hansen Marina  
Strap # 34-43-25-00-00010.0000

Dear Mr. Roeder:

The proposed development regarding 10 acres of residential property, which should have a buildout of approximately 200 people, in 5-story condominium buildings in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

Major Dan Johnson  
Planning and Research

Copy: File  
DJ/jr



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406





# LEE COUNTY

## SOUTHWEST FLORIDA

### BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

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John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

239-277-5012 x2233

Writer's Direct Dial Number: \_\_\_\_\_

January 13, 2004

Mr. Michael E. Roeder, AICP  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street  
Third Floor  
Fort Myers, FL 33901

**RE: SMALL SCALE PLAN AMENDMENT FOR HANSEN MARINA**

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for the above mentioned amendment request. We currently provide service on Palm Beach Boulevard 7 days a week with our Route 100. Service frequencies Monday through Friday are approximately 30 minutes, which provides good service to this corridor. We have a bus stop at Louise Street on both sides of the road, and we anticipate this service to remain at its current level and increase in frequency in years to come. This will be sufficient public transportation service to the Hansen Marina site. As a general rule, public transportation works more efficiently with higher densities such as the Central Urban designation.

If you have any further questions or comments, please call me or e-mail me at [mhorsting@leegov.com](mailto:mhorsting@leegov.com).

Sincerely,

TRANSIT DIVISION

Michael Horsting  
Transit Planner



**LEE COUNTY**  
**SOUTHWEST FLORIDA****BOARD OF COUNTY COMMISSIONERS**

(941)479-8181

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District OneDouglas R. St. Cerny  
District Two

January 23, 2004

Ray Judah  
District ThreeAndrew W. Coy  
District FourJohn E. Albion  
District FiveRay Brotbeck  
Hole Montes, Inc.  
6202-F Presidential Court  
Fort Myers, Fl. 33907Donald D. Stilwell  
County ManagerJames G. Yaeger  
County AttorneyDiana M. Parker  
County Hearing  
Examiner**RE: POTABLE WATER AND WASTEWATER AVAILABILITY**  
**LEEWARD YACHT CLUB, 5501 AND 5605 PALM BEACH BLVD.**  
**34-43-25-00-00006.0000, 34-43-25-00-00009.0000,**  
**34-43-25-00-00010.0000 AND 34-43-25-00-00008.0010,**

Dear Brotbeck:

Department of Lee County Utilities has Potable water and wastewater lines are in operation in the vicinity of the above-mentioned parcels. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

**FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTEWATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.**

Sincerely,

**LEE COUNTY UTILITIES**Mary McCormic  
Engineering Tech., Senior  
UTILITIES ENGINEERINGVIA FACSIMILE  
Original Mailed

LEEWARD YACHT CLUB.doc





**TRAFFIC CIRCULATION ANALYSIS**  
**PREPARED FOR A**  
**COMPREHENSIVE PLAN AMENDMENT**  
**FOR THE**  
**LEEWARD YACHT CLUB PARCEL**

**PROJECT NO. 0401.01**

**PREPARED BY:**  
**Metro Transportation Group, Inc.**  
**12651 McGregor Boulevard, Suite 4-403**  
**Fort Myers, Florida 33919-4489**  
**239-278-3090**

**January 15, 2004**





## **CONTENTS**

- I. INTRODUCTION**
- II. EXISTING CONDITIONS**
- III. PROPOSED PLAN AMENDMENT**
- IV. TRIP GENERATION**
- V. TRIP DISTRIBUTION**
- VI. IMPACTS OF PROPOSED PLAN AMENDMENT**
- VII. CONCLUSION**





## **I. INTRODUCTION**

Metro Transportation Group, Inc. (Metro) has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from General Commercial Interchange to Central Urban on the subject site. The property is located on the north side of Palm Beach Boulevard (State Route 80), immediately east of Interstate 75 in Lee County, Florida. The site location is illustrated on **Figure 1**.

The following report will examine the impacts of changing the future land use category from General Interchange to Central Urban, which is actually a less intense land use category based on the Lee County Comprehensive Plan.

## **II. EXISTING CONDITIONS**

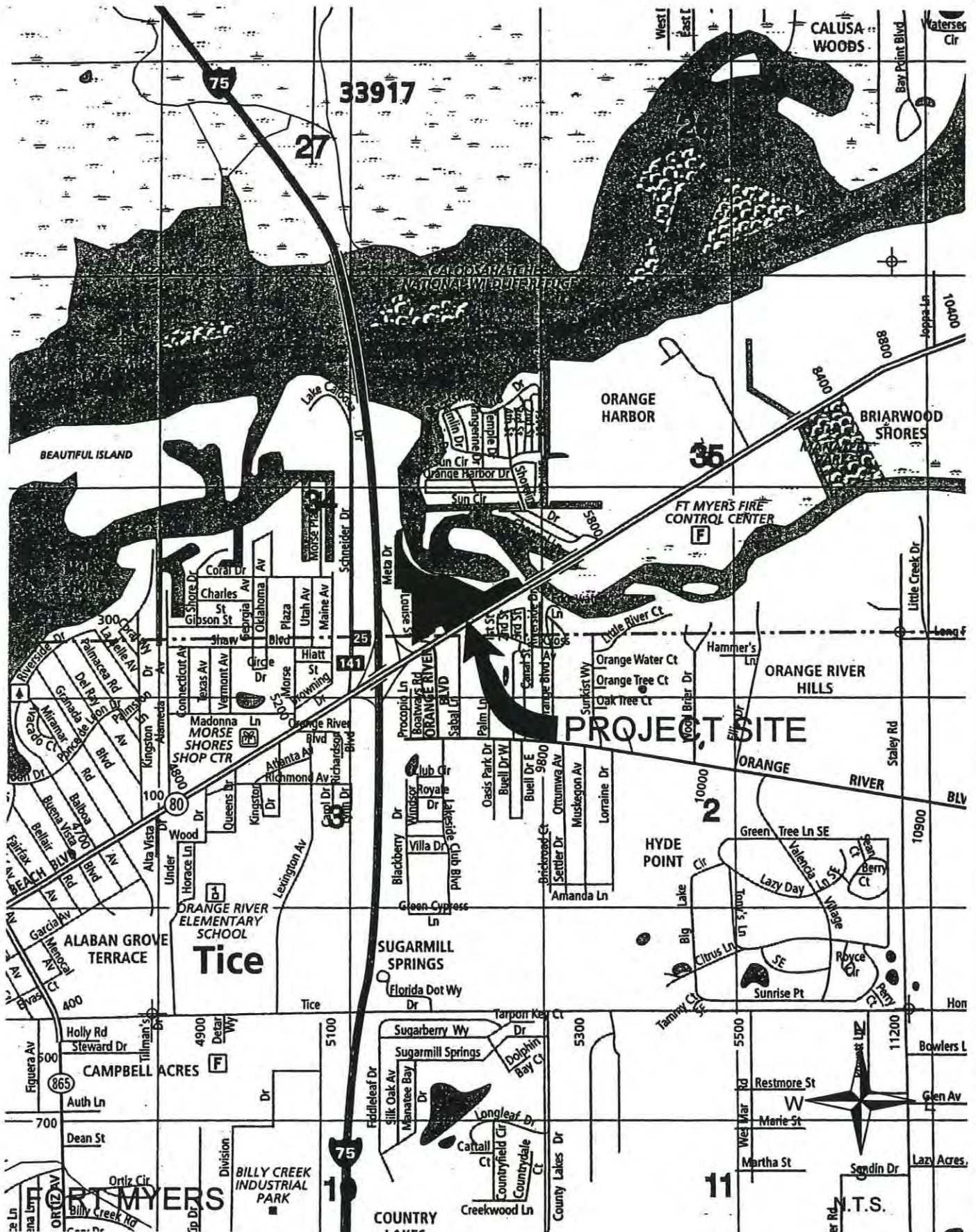
The subject site is currently occupied by the Leeward Yacht Club and marina. The site is bordered to the north and east by the Orange River, to the south by Palm Beach Boulevard, to the west by single family residential home.

**Palm Beach Boulevard** is a six-lane divided arterial roadway that extends through central Lee County on the south side of the Caloosahatchee River. Palm Beach Boulevard has a posted speed limit of 45 mph adjacent to the subject site and is under the jurisdiction of the Florida Department of Transportation (FDOT).

## **III. PROPOSED PLAN AMENDMENT**

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from General Commercial Interchange to Urban Community. Based on the permitted uses within the Lee Plan for these land use designations, the change would result in the subject site being developed with less intense uses than would otherwise be permitted under the existing land use designation. Based





PROJECT LOCATION MAP  
LEEWARD YACHT CLUB

Figure 1





on the existing land use designation, retail commercial uses could be constructed on the site. Based on the size of the property, approximately 100,000 square feet of retail uses could be constructed on the subject property.

With the proposed land use change, the most intense uses that could be constructed on the site would be approximately 100 multi-family units (just under ten (10) acres with approximately ten (10) units per acre). This is more intense than a single-family subdivision would be since more units would be able to be constructed under a multi-family unit scenario. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation. It should be noted that the marina and boat slips are and will continue to be existing uses permitted on the subject site. Since the intensity of these uses will not change, the marina and boat slips were not considered in the analysis.

**Table 1**  
**Leeward Yacht Club**  
**Future Land Uses**

Land Use Category	Intensity
General Commercial Interchange	100,000 s.f. Retail
Central Urban	100 Multi-Family Units

#### **IV. TRIP GENERATION**

The trip generation for the uses was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7<sup>th</sup> Edition. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation of the multi-family units and Land Use Code 820 (Shopping Center) was utilized for the commercial retail uses. The trip generation equations for these uses are located in the Appendix of this report for reference. **Table 2** indicates the number of trips anticipated to be generated by the land uses permitted under the existing land use designation and the land uses permitted under the proposed land use designation.





**Table 2**  
**Trip Generation Comparison**  
**Existing Land Use Designation vs. Proposed Land Use Designation**  
**Leeward Yacht Club**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Existing Land Use Retail (100,000 square feet)	95	60	155	300	325	625	6,790
Proposed Land Use Multi-Family (100 units)	10	40	50	40	20	60	640

The retail trips shown in Table 2 will not all be "new" trips to the adjacent roadway system. ITE estimates that a retail center use of comparable size may attract as much as forty to fifty percent (40% to 50%) of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Lee County permits a maximum reduction of trips due to "pass-by" of thirty percent (30%).

Table 3 summarizes the "pass-by" percentage used for this analysis. Table 4 summarizes the retail trips and the breakdown between the new trips the retail uses would generate and the "pass-by" trips the retail uses would attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

**Table 3**  
**Trip Reduction Factors**  
**Leeward Yacht Club**

Land Use	Percentage Trip Reduction
Retail - Pass-by	30%





**Table 4**  
**Trip Generation – New Trips**  
**Exiting Land Use Designation**  
**Leeward Yacht Club**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail Trip Generation	95	60	155	300	325	625	6,790
Less Pass-by Traffic	-30	-20	-50	-90	-100	-190	-2,040
New Trips (Retail)	65	40	105	210	225	435	4,750

## **V. TRIP DISTRIBUTION**

An anticipated trip distribution onto the surrounding roadway system was then formulated based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown in **Table 1A** in the Appendix of this report.

## **VI. IMPACTS OF PROPOSED PLAN AMENDMENT**

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

### **Long Range Impacts (20-year horizon)**

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 200. The model has both productions and attractions included in this zone. The productions





basically include the existing single family homes that border the subject site to the west. The attractions include industrial employment, commercial employment and service (retail) employment. Based on the latest conversion factors used by Lee County, the employment numbers included in the long range transportation model (FSUTMS) were converted to floor areas. Based on this conversion, the TAZ in the long range transportation model includes the land uses identified in Table 5.

**Table 5**  
**TAZ 200**  
**Land Uses in Existing Travel Model (2020)**

Land Use Category	Intensity
Industrial	20,000 s.f.
Office	7,000 s.f.
Services (Retail)	8,400 s.f.

Trip generation was computed for the uses shown in Table 5. The trips were calculated based on data contained in the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7<sup>th</sup> Edition. Land Use Code 110 (Light Industrial) was utilized for the trip generation of the industrial use, Land Use Code 710 (General Office) was used for the office use and Land Use Code 820 (Shopping Center) was utilized for the commercial retail uses. The trip generation equations for these uses are located in the Appendix of this report for reference. Table 6 indicates the number of trips that would be generated based on ITE for the land uses included in the Long Range Transportation Model (FSUTMS). The retail trips shown were also reduced by the 30% pass-by reduction factor, as done under the previous scenario.

**Table 6**  
**Trip Generation**  
**TAZ 200 Land Uses**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail (8,400 square feet)	15	10	25	45	40	85	950
Industrial (20,000 s.f.)	15	5	20	5	15	20	135
Office (7,000 s.f.)	15	5	20	0	10	10	170
<b>Total</b>	<b>45</b>	<b>20</b>	<b>65</b>	<b>50</b>	<b>65</b>	<b>115</b>	<b>1255</b>





Comparing the trips from the proposed land use designation (multi-family units) in Table 2 to the number of trips estimated for the uses in the long range transportation model in Table 6, the trip generation would be reduced with the proposed land use change.

Therefore, there are no improvements necessary to the long range transportation plan as a result of the change in land use designation from General Interchange to Urban Community. The trip generation based on ITE for the land uses under the proposed land use is less than the trip generation of the uses contained in the long range transportation model.

#### **Short Range Impacts (5-year horizon)**

The Lee County Capital Improvement Program for Fiscal Year 2003/2004 to 2007/2008 was reviewed, as well as the FDOT Draft Tentative Work Program for Fiscal Year 2004/2004 to 2008/2008 to determine the short term impacts the proposed land use change would have on the surrounding roadways.

Improvements in the FDOT Tentative Work program include modifications to Palm Beach Boulevard west of I-75 to add a landscape median and provide access management improvements to this area. This project will not reduce the capacity of this roadway but will most likely improve the operations of this segment of roadway. This improvement is funded for construction is 2005/2006.

In addition, FDOT has funded for design, engineering and right-of-way an improvement to the Palm Beach Boulevard interchange with I-75. Construction is not yet funded in the 5-year work program. I-75 from Palm Beach Boulevard to Lockett Road also has funding in the 5-year program for design, engineering and right-of-way, but no construction funding.

There are no improvements in the area of the subject site in the adopted Lee County 5-year capital improvement program.





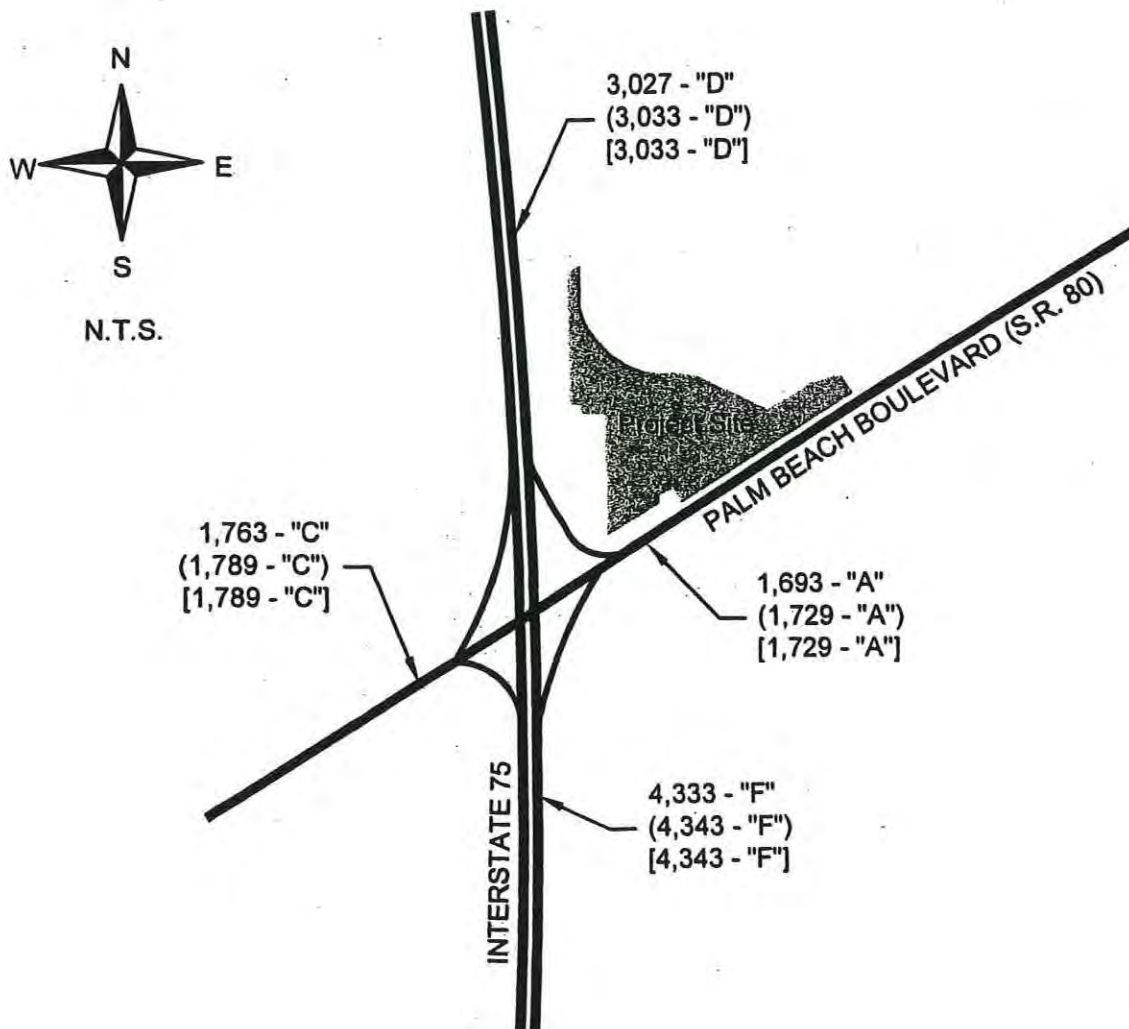
### **Level of Service Analysis**

Based on the anticipated trip generation of the property under the proposed land use change, the roadway links in the vicinity of the site were analyzed based on the 100<sup>th</sup> highest hour, peak season, peak direction volume. The Link Specific Service Volumes, as developed by Lee County, were used to determine the future Level of Service on these roadways both with and without the project in the year 2008. **Table 2A**, contained in the Appendix of the report, outlines the methodology used in determining the 2008 traffic volumes as well as the growth rate utilized for each roadway segment.

**Figure 2** indicates the year 2008 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on **Figure 2** is the Peak Hour, Peak Direction volume and Level of Service of each link should no development occur on the subject site and the peak hour volume and Level of Service for the weekday A.M. and P.M. peak hours with the traffic from the land use modification added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.

Based on the data from **Table 2A**, the proposed comprehensive plan amendment to modify the future land use designation from General Interchange to Urban Community will not impact the short term roadway infrastructure or the adopted or tentative work programs for Lee County and FDOT.





#### LEGEND

XXX - "C" PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION

(XXX - "C") PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND  
TRAFFIC PLUS AM PROJECT TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION

[XXX - "C"] PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND  
TRAFFIC PLUS PM PROJECT TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION

F0401.01



100TH HIGHEST HOUR  
LEVEL OF SERVICE ANALYSIS

Figure 2





## VII. CONCLUSION

The proposed comprehensive plan amendment to modify the future land use from General Interchange to Urban Community on just under ten (10) acres located at the northeast corner of I-75 and Palm Beach Boulevard will not have an adverse impact on the long term or short term transportation network. The trip generation as a result of the land use change will actually be less intensive than it would under the existing land use designation. Although more destination trips will be generated, the total number of "new" trips added to the roadway network will actually be less than they would be under the existing land use designation.

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# APPENDIX



## **TABLE 1A & 2A**



**TABLE 1A  
PEAK DIRECTION  
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES  
WITH PROPOSED COMP PLAN AMENDMENT**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 50 VPH      IN=      10      OUT=      40  
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 60 VPH      IN=      40      OUT=      20

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	PERCENT		
								<u>PROJECT TRAFFIC</u>	<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
I-75	S. of Palm Beach Blvd	4LF	1130	1840	2660	3440	3910	25.0%	10	0.4%
	S. of Bayshore Road	4LF	1130	1840	2660	3440	3910	15.0%	6	0.2%
Palm Beach Blvd. (S.R. 80)	E. of Ortiz	6LN	0	1220	2730	2970	3040	65.00%	26	1.0%
	E. of I-75	6LN	2570	3070	3080	3080	3080	90.00%	36	1.2%

Service Volumes taken from Lee County Link Specific Service Volume Tables for Arterials (Sept. 2003)  
 I-75 Service Volumes taken from FDOT Quality/LOS Manual (2002)



**TABLE 2A**  
**LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**  
**WITH PROPOSED COMP PLAN AMENDMENT**

										K-100	D				
TOTAL PROJECT TRAFFIC AM =		50	VPH	IN =	10	OUT=	40	I-75		0.0981	0.557				
TOTAL PROJECT TRAFFIC PM =		60	VPH	IN=	40	OUT=	20								
								2003	2008				2008	2008	
								PK HR	PK HR	PERCENT			BCKGRND	BCKGRND	
			BASE YR	2002	YRS OF	ANNUAL	PK SEASON	PK SEASON	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	+ PM PROJ		
ROADWAY	SEGMENT	PCS	ADT	ADT	GROWTH	RATE	PEAK DIR. <sup>1</sup>	PEAK DIR.	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC		
I-75	S. of Palm Beach Blvd	I-75	53500	61000	3	4.47%	3482	4333	25.00%	10	10	4343	4343		
	S. of Bayshore Road	I-75	47500	50000	3	1.72%	2779	3027	15.00%	6	6	3033	3033		
Palm Beach Blvd. (S.R. 80)	E. of Ortiz	5	19700	27400	9	3.73%	1468	1763	65.00%	26	26	1789	1789		
	E. of I-75	5	18500	25000	9	3.40%	1432	1693	90.00%	36	36	1729	1729		

<sup>1</sup> The 2003 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2002/2003-2003/2004 Lee County Concurrency Report

### 100th Highest Hour Level of Service Analysis

		2008 WITHOUT PROJECT	2008 WITH PROJECT
		<u>LOS</u>	<u>LOS</u>
I-75	S. of Palm Beach Blv	F	F
	S. of Bayshore Road	D	D
Palm Beach Blvd.	E. of Ortiz	C	C
(S.R. 80)	E. of I-75	A	A



# **TRIP GENERATION EQUATIONS**



**TRIP GENERATION EQUATIONS  
LEEWARD YACHT CLUB  
TRIP GENERATION EQUATIONS**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Shopping Center (LUC 820)	$\ln(T) = 0.60 \ln(X) + 2.29$	$\ln(T) = 0.66 \ln(X) + 3.40$	$\ln(T) = 0.65 \ln(X) + 5.83$
T = Trips, X = 1,000 s.f. GLA			
Multi-Family (LUC 230)	$\ln(T) = 0.80 \ln(X) + 0.26$	$\ln(T) = 0.82 \ln(X) + 0.32$	$\ln(T) = 0.85 \ln(X) + 2.55$
T = Trips, X = # of Units			
Light Industrial (LUC 110)	$T = 1.18 (X) - 89.28$	$T = 1.43 (X) - 163.42$	$T = 7.47 (X) - 101.92$
T = Trips, X = # 1,000 s.f. GLA			
Office (LUC 710)	$\ln(T) = 0.80 \ln(X) + 1.55$	$T = 1.49 (X)$	$\ln(T) = 0.77 \ln(X) + 3.65$
T = Trips, X = 1,000 s.f. GLA			



#### **Attachment IV.A.**

**3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.**

The subject property is located adjacent to an existing single family residential subdivision - Dos Rios - to the west, the existing Manatee World commercial facility to the east, Palm Beach Boulevard (S.R. 80) to the south, and the Orange River and Bayou to the north. The majority of the subject property is currently vacant, except for an existing marina and boat docks along the north property boundary at the Orange River Bayou.

The proposed land use change, from General Commercial Interchange to Urban Community, will allow for a residential-type project that will blend well with the existing nature of the surrounding property, being existing residential and marina uses.

**4. Map and describe existing zoning of the subject property and surrounding properties.**

The subject property currently consists of AG-2, IM, and C-1 zoning categories, and is surrounded by RS-1 to the west, with C-1, CPD and MH-2 to the south and southeast, and AG-2 and MH-2 to the north and northeast.



**CPA 2004-13  
I-75 and S.R. 80 Interchange  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**BoCC Transmittal Hearing Document  
for the  
June 1<sup>st</sup>, 2005 Public Hearing**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**May 25, 2005**



### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF LPA PUBLIC HEARING: May 23, 2005

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided a brief summary of the proposed plan amendment and explained staff's recommendation for the subject area. Staff concluded that the proposed amendment would decrease the allowable density in the subject areas, lowering the demands on public infrastructure and services. One member of the LPA asked why staff was recommending commercial uses next to residential uses in the northeast quadrant. Staff explained that through this analysis staff does not recommend making any changes to the northeast quadrant. Staff explained that the designations for this quadrant have been in place since the establishment of the 1984 Lee Plan and any commercial development would be required to comply with buffering and setback requirements as required by the Land Development Code.

Several members of the public addressed the LPA regarding the northeast quadrant of the interchange area. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the LPA and the Board of County Commissioners. This member of the public disagreed with staff's recommendation and noted that they felt that an interchange future land use category in this quadrant would allow inappropriate commercial uses. This member of the public described that through the small scale amendment request they felt that the Urban Community designation for this quadrant was a compromise. This member of the public stated that evacuation would not be an issue due to the location of the quadrant and that the area is not a destination for tourist travel.

Another member of the public addressed the LPA stating that they live in the northwest quadrant of the interchange and are in a similar situation. This person stated that there are other interchange quadrants better suited for uses serving the traveling public. They also noted that the property in the northeast quadrant contains oak trees and palm trees and is not suited for commercial businesses and parking lots. They felt that the Central Urban designation would be too high for this area leaving Urban Community the best designation for the property. This member also mentioned that their home in the northwest quadrant has never flooded or been evacuated and that the development proposed through the previous small scale amendment request would improve the community compared to the existing commercial uses along S.R. 80.

Another member of the public noted that they are a member of the Morse Shores Civic Association and stated that the existing land use category in the northeast quadrant would appear to increase traffic, rather than decrease traffic. They felt that there are a sufficient amount of gas stations in the area and that the uses planned through the previous small scale amendment would be more compatible.

Another member of the public stated the northeast quadrant is a very prestigious and indigenous site this close to the interchange and would prefer that the area be amended to the Central Urban future land use category.



Another member of the Morse Shores Civic Association stated that the northeast quadrant was not meant for big box stores and supported an amendment to the Urban Community future and use category in this area.

Several of the LPA members provided discussion concerning the proposed amendment. One member of the LPA noted that they have seen no changes since the previous discussions held before the LPA and find that the northeast quadrant is an ideal area for the type of residential development being discussed. Another member agreed. One member found the amendment proposed by staff consistent. Another member had concerns with commercial uses next to existing residential uses. A motion was made to amend the future land use map to include staff's proposal for the southern quadrants and to amend the northeast quadrant to the Urban Community future land use category. The motion carried 3 to 2.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The LPA recommended an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category based on the LPA's previous discussions and recommendations for the interchange area.

**C. VOTE:**

NOEL ANDRESS	_____
	AYE
MATT BIXLER	_____
	NAY
DEREK BURR	_____
	NAY
RONALD INGE	_____
	AYE
CARLETON RYFFEL	_____
	AYE
FRED SCHILFFARTH	_____
	ABSENT
RAYMOND SCHUMANN	_____
	ABSENT



**CPA 2004-13  
I-75 and S.R. 80 Interchange  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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LPA Public Hearing Document  
for the  
May 23<sup>rd</sup> Public Hearing

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

May 18, 2005



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-13**

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: May 18, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. STAFF RECOMMENDATION:** Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area from Intensive Development, Suburban, and Urban Community to General Commercial Interchange as depicted on Attachment 1.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The proposed land use change will not cause future road network plan changes to the 2020 Transportation Plan.



- There will be no increase in the population accommodation capacity of the FLUM. The proposed amendment will result in a population capacity reduction of 755 persons.
- The presence of I-75 has increased the number of interchange type uses mixing with established residential uses.
- The proposal will result in minimal impacts to public infrastructure and services. The proposal will in fact lower the demands on public infrastructure and services

### **C. BACKGROUND INFORMATION**

The Board of County Commissioners initiated the proposed amendment on March 22, 2005 and directed Planning staff to evaluate the future land use designations of the Interstate 75 and State Road 80 interchange quadrants, specifically the northeast quadrant and both the southeast and southwest quadrants. The study area, including the Existing Future Land Use designations of the area, are shown as Attachment 2.

Planning staff previously evaluated the southwest quadrant of this interchange area. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board voted to revisit this proposed amendment in a future amendment cycle. At that hearing, it was recommended that the analysis be broadened to include all four quadrants of the I-75 and S.R. 80 interchange.

Initiating the amendment into the current cycle allows staff to review the future land use designations for the interchange area and properly balance existing and future land use designations in this area. At the time the subject amendment was initiated staff specified the three quadrants noted above, recognizing that the future land use designations of the northwest quadrant are appropriate as they exist today. Existing land uses in the northwest quadrant include the Morse Shores single family subdivision, designated Suburban a primarily residential land use category, and commercial uses fronting S.R. 80, designated Intensive Development.

Staff began evaluating the amendment by creating three possible alternatives for the study area to bring forward to the Local Planning Agency (LPA) for discussion purposes. The alternatives discussed involved the possibilities of amending the entire northeast quadrant to Urban Community, Central Urban, or changing the designation of the existing neighborhood to Suburban and leaving the General Commercial Interchange category in place in the remainder of the quadrant. Only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange category. This remains the staff recommendation today. Alternatives discussed for the southeast quadrant involved Central Urban for the entire quadrant, the General Commercial Interchange category being proposed for the area today, or leaving the existing designations in place. At the LPA meeting, the members voted to recommend an alternative amending the entire northeast quadrant to the Urban Community category, a portion of the southwest quadrant to General Commercial Interchange as recommended by this report, and leaving the existing designations in place in the southeast quadrant. The LPA preferred this alternative based on their previous recommendation involving a privately initiated small scale amendment in the northeast quadrant. Previously the LPA recommended that the 10 acres involved in this request be amended to Urban Community.



After further review and based on the Board of County Commissioner's review of the recently proposed small scale amendment in the northeast quadrant of the interchange, staff has concluded that the future land use designations of the northeast quadrant are appropriate as they exist today. Further discussion is provided throughout the following analysis.

This report discusses the subject interchange area being evaluated as the study area. The study area encompasses approximately 124 acres. Of the 124 acres being evaluated, staff is recommending a future land use map amendment to approximately 39 acres in the southwest and southeast quadrants of the interchange. Staff is proposing that the 39 acres be amended to General Commercial Interchange as shown on Attachment 1. A little over half of the proposed change amends the future land use category covering the right-of-way areas of I-75 and State Road 80, leaving approximately 18 acres of developable land being amended. The impacts of amending the 18 acres of developable land for possible residential or commercial development are being addressed through this report, comparing existing future land use categories vs proposed. Staff has estimated, as a worst case, that the area being amended would qualify for the following based on the existing and proposed land use categories. Although the areas are already developed, staff estimates the following if redevelopment were to occur. All density calculations include bonus density and half of the adjacent right of way in order to provide the maximum scenario for evaluation. Please note that the northwest category is not included below, due to staff's recommendation that the General Commercial Interchange category remain in place.

	<b>Southwest Quadrant</b>	<b>Southeast Quadrant</b>
Existing Land Use Category	Suburban and Intensive Development	Urban Community
Possible unit or commercial development	100,000 s.f. commercial <b>or</b> 295 dwelling units	50,000 s.f commercial <b>or</b> 67 dwelling units
Proposed Land Use Category	General Commercial Interchange	General Commercial Interchange
Possible unit or commercial development	130,000 s.f. commercial 0 dwelling units	50,000 s.f. commercial 0 dwelling units

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, all three quadrants were depicted as General Commercial Interchange and a small area in the southwest quadrant was depicted as Central Urban. As part of an overall review of the future land use map in 1989, the eastern portion of the southeast quadrant was changed from General



Commercial Interchange to Urban Community. This remains the future land use category for this portion of the quadrant today. Later in 1989 Lee County formulated a comprehensive plan in order to meet the requirements of the 1985 Growth Management Act. At that time the newly formulated comprehensive plan was objected to by the Department of Community Affairs. In part, the Department of Community Affairs found that Lee County future land use categories should more closely correspond with the adopted future land use maps of the cities of Fort Myers and Cape Coral. The subject area was located within the Urban Reserve Area of Fort Myers which at that time was included on their future land use map. Lee County entered into a settlement agreement with the Department of Community Affairs and through this agreement amended the future land use designations of the southwest quadrant to the current FLUM designations for the area today.

#### **CURRENT FLUM DESIGNATIONS FOR SUBJECT INTERCHANGE QUADRANT**

Current Lee Plan Future Land Use categories for the subject area are as follows (see Attachment 2):

Future Land Use categories in the northeast quadrant are General Commercial Interchange and Central Urban. The categories in the southeast quadrant include General Commercial Interchange and Urban Community.

***POLICY 1.3.3:** The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.*

***POLICY 1.1.3:** The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*



Future Land Use categories in the southwest quadrant include Intensive Development and Suburban.

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6) and office uses are appropriate in these locations. As Lee County moves toward becoming a metropolitan complex of a half million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).

**POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

## EXISTING LAND USES

The subject area lies in Section 3 Township 44 South, Range 25 East and Section 34 Township 43 South, Range 25 East and is located in the northeast quadrant and both the southeast and southwest quadrants of the State Road 80 and Interstate 75 Interchange. This area is bordered by the Orange River (east of the interstate) and S.R. 80 (west of the interstate) to the north, both the Siesta and the Sun-n-Fun mobile home subdivisions to the east, vacant land and condominium development to the south, and single family residential uses to the west. I-75 extends north/south and S.R. 80 east/west through the subject area.

The study area encompasses approximately 124 acres total, accommodating a variety of uses including residential, commercial, marina, and vacant land uses. The following is a summary of land uses existing within the study area of each interchange quadrant.

Quadrant	Existing Uses	Future Land Use Designation
Northeast	Single Family Subdivision and Marina	General Commercial Interchange
Southwest	Commercial RV Sales and Single Family	Intensive Development and Suburban
Southeast	Restaurants, Hotel, Gas Stations, and Single Family	General Commercial Interchange and Urban Community

The current zoning designations for the subject area are RS-1, AG-2, IM, and CM in the northeast quadrant, CPD, CG, and RS-1 in the southwest quadrant, and CPD and AG-2 in the southeast quadrant. Surrounding zoning designations include RS-1 and AG-2 to the north, MH-1 and MH-2 to the east, AG-2 to the south and RS-1 and C-1 to the west.



## **TRANSPORTATION**

Lee County Department of Transportation (DOT) staff have reviewed the proposal and provided written comments dated May 17, 2005 (see Attachment 3). DOT offers no objection to the proposed change and have provided that "Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans."

DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion. Specific improvements (such as turning lanes) that are needed as a result of proposed development in this area will be determined through the local development order process. Providing identified improvements are the responsibility of the developer. For example, if the proposed project generates the need for turning lanes, then the developer is required to provide the turning lane at no expense to the public.

## **POTABLE WATER, SANITARY SEWER SERVICE AND SOLID WASTE**

The current condition of potable water service and sanitary sewer service in the area is discussed below:

Potable Water Service: The water system in the southwest quadrant is already in place; there are no plans for installing any major new transmission lines. The Corkscrew Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is an 8" and 6" water main on Orange River Boulevard, an 8" water main on Lexington Avenue, and a 20" water main on the north side of State Road 80 serving the area. The water system is already in place in the southeast quadrant as well and there are no plans for installing any major new transmission lines. The Olga Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is a 10" water main on Boatways Road, a 6" and 12" water main on Orange River Boulevard, and a 20" water main on the north side of State Road 80 serving the area. As new projects request service from Lee County Utilities, they are required by the Lee County Utilities Operation Manual to submit extensive hydraulic calculations for review and approval showing what impact, if any, a new project may have on existing facilities. If warranted, the new project will be required to either loop "dead end" mains or perform off-site improvements to enhance flows and, therefore, provide adequate water infrastructure to support development.

Sanitary Sewer Service: There are presently 24" and 8" sanitary sewer force mains on the north side of S.R. 80. In the southwest quadrant Lee County Utilities has 8" gravity sewer mains on Orange River Boulevard, Lexington Avenue, and Richmond Avenue. In the southeast quadrant Lee County Utilities has an 8" gravity sewer main and a lift station on Boatways Road. Lee County Utilities also has a 4" sanitary sewer force main on Boatways Road and a 12" force main on Orange River Boulevard. As with the water network, new developments are required to submit extensive hydraulic calculations for review and approval showing what impacts the new project may have on existing facilities. If warranted the developer may need to perform off-site improvements to enhance flows and provide adequate sanitary sewer infrastructure to support the development. The subject area is served by the City of Fort Myers Central Wastewater Treatment Plant via an inter-local agreement and, to date, has sufficient reserved capacity.



## **POPULATION ACCOMMODATION ANALYSIS**

The request is to change the Future Land Use Map (FLUM) category of approximately 39 acres from Intensive Development, Urban Community, and Suburban to General Commercial Interchange. Currently, the Lee Plan does not permit residential development in General Commercial Interchange areas.

The Intensive Development maximum density permits up to 22 du/acre. There are approximately 6.4 acres designated Intensive Development within the southwest quadrant. This means that a maximum of 140 dwelling units could be constructed on the property under the Intensive Development designation. Planning staff, however, believes that residential development fronting this portion of S.R. 80 is unlikely. This Intensive Development area accommodates 292 persons on the FLUM (140 du's X 2.09 persons per unit).

The Urban Community maximum density permits up to 10 du/acre. There are approximately 6.71 acres designated Urban Community within the southeast quadrant. This means that a maximum of 67 dwelling units could be constructed on the property under the Urban Community designation. Planning staff, however, believes that residential development adjacent to existing interchange type uses is unlikely. This Urban Community area accommodates 140 persons on the FLUM (67 du's X 2.09 persons per unit).

The Suburban category standard density permits up to 6 du/acre. There are approximately 25.85 acres designated Suburban within the southwest quadrant. A maximum of 155 dwelling units could be constructed on the property under the Suburban designation. This equates to a population accommodation capacity of the FLUM of 323 persons (155 du's X 2.09 persons per unit).

As mentioned above the Lee Plan does not permit residential development in General Commercial Interchange designations and therefore the proposal will not be increasing the population accommodation capacity of the FLUM. In fact, the amendment would result in a population capacity reduction of 755 persons.

## **PARKS, RECREATION AND OPEN SPACE**

Staff of the Lee County Public Works have reviewed the request and provided comments dated May 11, 2005 (see Attachment 4). Public Works staff provides the following:

*"It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."*

## **LEE COUNTY SCHOOL DISTRICT EVALUATION**

Planning staff requested that the Lee County School District evaluate the proposed redesignation and determine the adequacy of existing and future facilities to provide services to the subject area. Staff of the School District of Lee County have contacted Planning staff and provided that the proposed changes "will have no impact on the School District of Lee County."



## **SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified two soil types present on the subject parcel - 11 Myakka fine sand in all three quadrants, and 28 Immokalee sand in the northeast quadrant. The Soil Survey provides the following:

*11 - Myakka fine sand. This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.*

*28 - Immokalee sand. This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.*

## **LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)**

The subject area is located within the "Fort Myers Shores" planning community. Table 1(b) allocates a total of 257 acres for commercial use in this Planning Community. Recent planning division research indicates that 243 acres of commercial development in the "Fort Myers Shores" planning community have been developed. This research indicates that 14 additional acres can be developed for commercial use in the planning community before the year 2020. While the subject amendment consists of approximately 39 acres, as mentioned earlier in the report over half of the proposed change amends the future land use category covering right-of-way areas, leaving approximately 18 acres of developable land being amended. While the current proposal exceeds the commercial allocation by 4 additional acres, staff recognizes that these allocations will be being revised out to the year 2030 as part of the upcoming EAR based amendments. Staff assumes that there will be more commercial uses within this planning community in the future and will be addressed as part of the allocations for 2030.

## **DISCUSSION CONCERNING THE SUBJECT AREA:**

After evaluating several alternatives and discussing various development scenarios associated with each, staff recommends that the subject interchange area be amended as proposed in Attachment 1. The following is a discussion of each quadrant in the study area:

### **Northeast Quadrant**

The northeast quadrant is currently developed with the Dos Rios single family residential subdivision adjacent to I-75 to the west and marina uses to the east. The study area covers approximately 48.61 acres and is designated General Commercial Interchange with a small portion of the area designated Central Urban in the northwest corner of the quadrant.

A 10 acre portion of the existing marina within this quadrant was recently reviewed as a privately initiated small scale amendment. The applicant proposed to amend the area from the General Commercial Interchange category to the Urban Community land use category. Staff recommended denial of the proposed amendment due to the subject site's location within the Coastal High Hazard Area (CHHA) and inconsistencies with several Lee Plan policies addressing residential development in the CHHA. At the adoption hearing for the proposed amendment the majority of the Board agreed with staff's recommendation and voted not to adopt the proposed amendment. At the hearing the Board discussed the importance of maintaining the County's interchange areas for interchange type uses serving the traveling public. Staff specifically cited Lee Plan policies found under Goal 75 and 76 that prohibit residential



development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. The specific Lee Plan policies are reproduced below:

**GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** *To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)*

**OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.** *Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

**POLICY 75.1.4:** *Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

**GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.** *To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)*

**OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES.** *Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*

Upon staff's evaluation of the entire interchange and in regards to the northeast quadrant specifically, staff finds that the subject quadrant is located in the CHHA as depicted by Map 5 of the Lee Plan. Lee plan Policy 75.1.4 specifies that areas within the CHHA will be considered for reduced densities to limit the population to coastal flooding.

It is also necessary to compare the possibilities that the existing land use category allows as it specifically relates to commercial type uses with other options that would allow residential development in this quadrant. As mentioned, the area of this quadrant is approximately 48.61 acres and includes the right-of-way area of I-75 and S.R. 80. Of this total acreage figure, approximately 33 acres equate to parcel acres. Generally speaking, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. If the existing subdivision in this quadrant were excluded from this calculation the remaining area would qualify for approximately 218,500 s.f. of commercial development. Comparing this to the possibility of amending the quadrant to a residential land use category staff is using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. These two categories were presented to the LPA for discussion purposes, as well as Urban Community for a middle range. Staff estimate that if the area were placed in the Suburban category (6 units/acre) potentially 234 units could be developed, or 131 units when excluding the existing subdivision. Staff estimate that if the area were placed in the Central Urban category (15 units/acre including bonus density) potentially 495 units could be developed, or 327 units when excluding the existing subdivision.



In addition another factor to be considered while evaluating this quadrant, as was discussed and considered at the adoption hearing for the referenced small scale amendment, is the basic importance of the existing interchange land use categories in Lee County. Reports discussing interstate interchange land use during the drafting of the 1984 Lee Plan described the completion of Interstate 75 through Lee County creating unique development opportunities at the eight interchanges and the arterials leading to them. Discussions also provided that land configurations resulting in the intermixing of local and interstate travel should be discouraged.

Objective 1.3 of the Lee Plan describes the interstate highway interchange areas as specialized categories for land adjacent to the interchanges of I-75. The objective emphasizes the importance of making beneficial use of these critical access points while avoiding conflicts between competing demands. It also states that development in these areas must minimize adverse traffic impacts such as the mixing of local traffic with through traffic. Staff recognizes that the existing neighborhood in this quadrant could be considered inconsistent with this Objective of the plan, yet staff also recognizes that this subdivision existed prior to the construction of I-75 through this area as well as prior to the 1984 Future Land Use Map.

An important aspect in the evaluation of this quadrant is the fact that there are existing residential uses currently in the General Commercial Interchange category where new residential development is not permitted, except in accordance with Chapter XIII of the Lee Plan. Staff has determined that the most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan due to the fact that the lots within the subdivision were created prior to the Lee Plan's effective date. In fact, in 2003, a lot within the subject area received a favorable interpretation of these provisions for the construction of a dwelling unit.

In light of the factors discussed, staff has concluded that amending this quadrant to a land use category allowing future residential development has the potential to significantly increase the mixing of local traffic with through traffic as well as increasing density in the CHHA. By leaving the quadrant designated General Commercial Interchange will result in minimal impacts to public infrastructure and services. For these reasons staff does not recommend an amendment to the existing future land use categories of the northeast quadrant.

### **Southwest Quadrant**

The southwest quadrant of the study area is currently developed with the North Trail RV center adjacent to I-75 and fronting S.R.80 and single family residential to the west. The study area covers approximately 48.61 acres and is designated Suburban with a small portion of the area fronting S.R. 80 designated Intensive Development. There are nearly two dozen single family homes in existence in the subject area west of the RV sales center.

This quadrant of the interchange was the subject of the previous review in 2000. During the previous review of this area and after much discussion with the with the Community Redevelopment Agency in existence at the time and the Local State Road 80 Advisory Board staff evaluated the possibility of changing the entire quadrant to the General Commercial Interchange land use category. Several issues lead



to the continuance of the amendment. At the time, as is the situation today, there were no plans for development or land assembly for the residential area. Another issue involved the School District's concern over the signalization at Lexington Avenue and State Road 80 where commercial traffic that could be generated by the proposed amendment would be sharing the same access (Lexington Avenue) that the buses use for the Orange River Elementary School turnaround causing a mixing of traffic. The Department of Community Affairs also provided objections requesting further analysis of traffic impacts and the maximum development allowed in this area. With no public outcry for the proposed amendment at the time, staff reevaluated the recommendation to amend the southwest quadrant to the interchange category and concluded that an evaluation of the entire interchange would be more beneficial for the area as a whole. Staff finds the existing land uses of this quadrant have remained intact since the time of the previous review. There have been no plans for development or land assembly for the residential area and no public requests for a change to the area.

Staff has concluded that the area developed with the North Trail RV center is the portion of this quadrant best suited for a land use change reflecting the existing use of the property. Considering the commercial use of the property and its location adjacent to I-75, staff finds the General Commercial Interchange future land use category the most appropriate land use category for the area. The commercial sale of recreational vehicles on a scale of this size (approximately 12 acres) potentially could be considered a regional use with customers coming from other areas for the product, as well as the consideration of the employment opportunities that the center provides to the local area. This type of use coincides with the intent of Objective 1.3, Interstate Highway Interchange Areas, promoting the beneficial use of these critical access points adjacent to the interchanges of I-75. Staff has met with the owners and representatives of the North Trail RV center discussing staff's proposal to amend the subject area and the impacts of amending the area from Suburban, a primarily residential future land use category, to the General Commercial Interchange category. The owners of the center understand the proposed change and have expressed their support of the amendment to the interchange category, reflecting the existing use of the property.

Staff recommends amending approximately 32.25 acres of the southwest quadrant from the Suburban and Intensive Development future land use categories to the General Commercial Interchange land use category. This area encompasses the RV center and portions of the S.R. 80 and I-75 right-of-way currently in the Suburban land use category.

### **Southeast Quadrant**

The southeast quadrant of the study area is currently developed with two restaurants, two gas stations, and a hotel as well as four single family homes in the southern portion of the area along Orange River Boulevard. The study area covers approximately 30.68 acres and is designated General Commercial Interchange and Urban Community. The Urban Community portion of quadrant covers the eastern edge of the study area.

Staff has determined that the existing General Commercial Interchange future land use designation is appropriate for the area and proposes to amend a majority of the Urban Community designation in this quadrant to the General Commercial Interchange land use category. Most of the area is currently zoned Commercial Planned Development (CPD) covering the interchange type uses existing today. The General Commercial Interchange category encompasses the western portion of this area covering half of the CPD



and three of the four homes to the south. Staff is proposing to amend the entire western portion of the area, with the exception of one single family parcel, from Urban Community to General Commercial Interchange, allowing the change to reflect the existing uses in this quadrant today.

Seven lots exist in the southern portion of the area and as mentioned previously, four of the lots contain single family homes. The remaining lots remain vacant. The single family lot in the southeast corner of the study area is currently designated Urban Community, while the remainder of the lots are designated General Commercial Interchange. The Urban Community land use category in place on the residential parcel in the southeast corner permits a density range of one to six dwelling units per acre on the 1.14 acre lot, with up to 10 units per acre including bonus density. Amending the lot to the interchange land use category could be detrimental to the property owner by removing the allowable density assigned to the property. Leaving the current land use designation in place continues the opportunity for residential development of the lot, yet does not preclude the owner from requesting an extension of interchange type uses per Policy 6.1.2.6 of the Lee Plan. This policy is reproduced below:

*Policy 6.1.2.6 Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.*

In light of this policy, staff has concluded that the owner would have the option of extending the interchange uses, leaving the current land use designation in place. Leaving the designation in place would not take the existing residential density away from the subject parcel while leaving the possibility of extending the adjacent interchange uses.

Staff has also considered the three existing residential units in the southern portion of the area within the General Commercial Interchange land use category and have made similar conclusions. While the units and the vacant lots are currently in a land use category that does not permit residential uses, staff has concluded that most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan, as would the lots in the northeast quadrant of the study area. Staff has concluded that leaving the residential lots in the existing land use designations would be the most appropriate action, where residential uses on the lots as they are configured today are not being removed from the properties and interchange uses are a valid option for those particular land owners as well.

Staff recommends amending approximately 6.71 acres of the southeast quadrant from the Urban Community future land use category to the General Commercial Interchange land use category. This area encompasses CPD zoning where a gas station and hotel exist.



## **B. CONCLUSIONS**

Through the subject plan amendment proposal, staff has attempted to balance the existing and future land use designations of the area with a proposal that results in minimal impacts to existing residential uses while recognizing the value of preserving interchange areas for interchange type uses serving the traveling public as well as providing diversity and regional opportunities within the interchange areas of the County.

Planning staff proposes amending approximately 39 acres from the Intensive Development, Suburban, and Urban Community future land use categories to the General Commercial Interchange land use category in the interchange area of S.R. 80 and I-75. Staff recognizes that this is a unique interchange area and the routing of I-75 through existing platted neighborhoods has had a negative impact. The presence of I-75 has increased the number of interchange type uses mixing with established residential uses. Examples of this mixing of uses can be seen in the north-east and south-east quadrants of the interchange where residential uses are within General Commercial Interchange designations as well as the southwest quadrant where a regional interchange type use has been developed adjacent to the interstate to the east and adjacent to existing residential uses to the west. Additionally, typical interchange uses have been developed in the Urban Community area in the southeast quadrant of the interchange.

Staff concludes that the proposal will result in minimal impacts to public infrastructure and services. If the amendment is approved allowable density would decrease given that the General commercial interchange future land use category does not allocate for residential units. The proposal will in fact lower the demands on public infrastructure and services eventually if the proposed amendment is adopted because the General Commercial Interchange areas are intended for commercial uses without any residential uses. There will be no increase in the population accommodation capacity of the FLUM.

## **C. STAFF RECOMMENDATION**

Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area to General Commercial Interchange. Planning staff recommends that the Lee Plan Future Land Use Map, Map 1, be amended as depicted on Attachment 1.



**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF LPA PUBLIC HEARING: May 23, 2005

**A. LOCAL PLANNING AGENCY REVIEW**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

**1. RECOMMENDATION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**NOEL ANDRESS**

**MATT BIXLER**

**DEREK BURR**

**RONALD INGE**

**CARLETON RYFFEL**

**FRED SCHILFFARTH**

**RAYMOND SCHUMANN**

_____
_____
_____
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_____



**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**TAMMY HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

_____
_____
_____
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**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: \_\_\_\_\_

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**



**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**TAMMY HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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_____
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**2005-12-19 Notice of Action**

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY  
AFFAIRS

NOTICE OF INTENT TO FIND THE LEE COUNTY  
COMPREHENSIVE PLAN AMENDMENT ADOPTED BY  
ORDINANCE NO. 05-20 (CASE NO. CPA2004-13)  
NOT IN COMPLIANCE

AND THE  
COMPREHENSIVE PLAN AMENDMENTS ADOPTED BY  
ORDINANCE NOS.  
05-19 AND 05-21  
IN COMPLIANCE  
DOCKET NO.  
05-1-NOI-3601-(A)-(N)

The Department gives notice of its intent to find Comprehensive Plan Amendment to the Comprehensive Plan for Lee County, adopted by Ordinance No. 05-20 (Case No. CPA2004-13 involving land at the northeast quadrant of the Intersection of I-75 and S.R. 80), on October 12, 2005, NOT IN COMPLIANCE, and Amendments adopted by Ordinance Nos. 05-19 and 05-21, on October 12, 2005, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S. The adopted Lee County Comprehensive Plan Amendments, the Department's Objections, Recommendations, and Comments Report (if any), and the Department's Statement of Intent to find the Comprehensive Plan Amendment Not In Compliance will be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2nd Floor, Fort Myers, Florida 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendments to the Lee County Comprehensive Plan are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, a copy must be mailed or delivered to the local government and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

This Notice of Intent and the Statement of Intent for the amendment found Not In Compliance

will be forwarded by petition to the Division of Administrative Hearings (DOAH) of the Department of Management Services for the scheduling of an Administrative Hearing pursuant to Sections 120.569 and 120.57, F.S. The purpose of the administrative hearing will be to present evidence and testimony on the noncompliance issues alleged by the Department in its Objections, Recommendations, and Comments Report and Statement of Intent in order to secure a recommended order for forwarding to the Administration Commission. Affected persons may petition to intervene in either proceeding referenced above. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. Pursuant to Section 163.3184(10), F.S., no new issues may be alleged as a reason to find a plan amendment not in compliance in a petition to intervene filed more than twenty one (21) days after publication of this notice unless the petitioner establishes good cause for not alleging such new issues within the twenty one (21) day time period. The petition for intervention shall be filed at DOAH, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and a copy mailed or delivered to the local government and the Department. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing pursuant to Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.

-s-Valerie J. Hubbard, AICP

Director, Division of Community Planning

Department of  
Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100  
Dec 19 No. 975485





# LEE COUNTY

## SOUTHWEST FLORIDA

### DIVISION OF PLANNING FACSIMILE

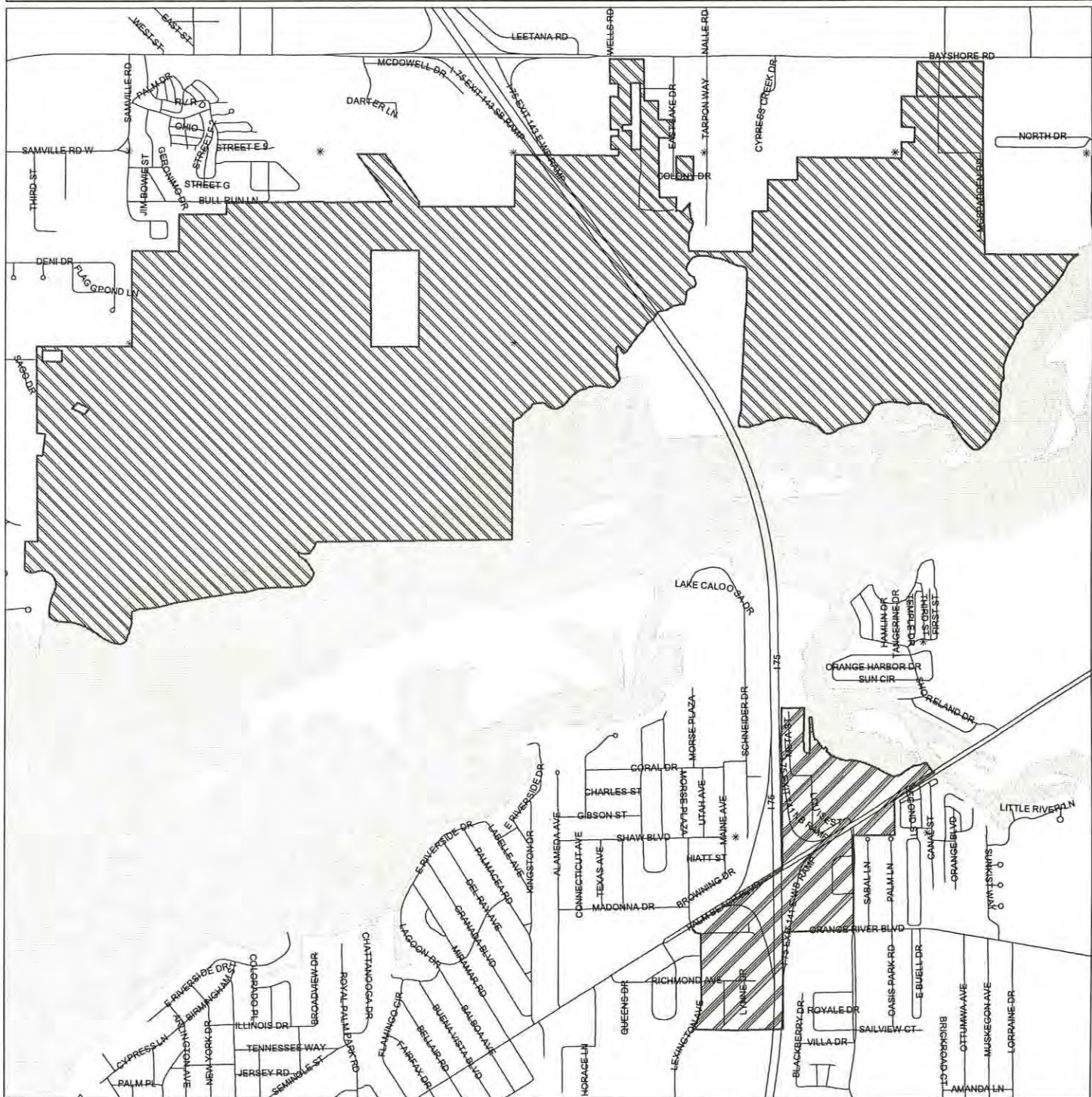
P.O. Box 398  
Fort Myers, FL 33902  
(239) 479-8585  
Fax: (239) 479-8319

To:	<i>Bernard Piauh</i>	Date:	<i>12/12/05</i>
Fax #:	<i>850 488 3309</i>	Pages:	, including this cover sheet
From:	<i>Brandy Gonzalez</i>		
Subject:	<i>River Run Zoning Resolution + Map included</i>		

COMMENTS:

*2004-13*





## Legend



CPA2004-00013



River Run





RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, W. Emlen Roosevelt et al, Trustees, in reference to River Run, have properly filed an application for a rezoning from AG-2 to Residential Planned Development and Commercial Planned Development; and

WHEREAS, the subject property is located at 8648 and 10130 Bayshore Road and 17100 Pelican Way, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Sections 21, 22, 23, 26, 27, 28, 29, 32 and 33, Township 43 South, Range 25 East, Lee County, Florida:

Parcel I

The Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 23, Township 43 South, Range 25 East.

LESS:

State Road Department right-of-way Parcel, more particularly described as follows:

BEGIN at the Northwest corner of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 23;  
THENCE run Southwardly along the Westerly line of said Section 23, a distance of 72.32 feet to the Southerly right-of-way of State Road 78 (Bayshore Road);  
THENCE run Eastward along said Southerly right-of-way, a distance of 1,325.60 feet to the Easterly line of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 23;  
THENCE run Northwardly along said Easterly line a distance of 66.74 feet to the Northeasterly corner of the previously described Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4);  
THENCE run Westwardly along the Northerly line of said Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) a distance of 1,325.64 feet to the POINT OF BEGINNING.  
Comprising 2.1 acres, more or less; and

LESS:

COMMENCE at the Southwest corner of Section 23, Township 43 South, Range 25 East;  
THENCE run N00°58'40"E along the Westerly line of said Section 23, a distance of 210.65 feet to the POINT OF BEGINNING of land herein excepted;  
Continue N00°58'40"E a distance of 211.02 feet;  
THENCE S89°26'40"E a distance of 208.00 feet;  
THENCE S00°58'40"W a distance of 211.02 feet;  
THENCE N89°26'40"W a distance of 208.00 feet to the POINT OF BEGINNING; and

LESS:

The Northerly 416.00 feet of the Westerly 233.00 feet of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 23, said 416.00 feet to start at the South right-of-way line of State Road 78 and not at the Northern Quarter Section Mark; and

continued...



LESS:

COMMENCE AT the Northeast corner of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 23, Township 43 South, Range 25 East;

THENCE run S00°46'25"W, along the East line of said Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), a distance of 66.73 feet to the Southerly right-of-way of Bayshore Road (SR 78) and the POINT OF BEGINNING;  
THENCE continue S00°46'25"W, a distance of 1,262.37 feet to the Southerly line of said Section 23;  
THENCE run N89°27'55"W along said Southerly line a distance of 159.29 feet;  
THENCE run N00°58'25"E, a distance of 1,262.79 feet to the Southerly right-of-way of Bayshore Road (SR 78);  
THENCE run N89°33'30"E along said Southerly right-of-way, a distance of 154.67 feet to the POINT OF BEGINNING.  
Containing 4.6 acres, more or less.

Parcel II

Lots Five (5), Six (6), Seven (7) and Eight (8), in that certain Subdivision known as MCSPADDENS ACRES, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6, Page 26.

Parcel III

Government Lot Five (5), in Section 26, Township 43 South, Range 25 East.

Parcel IV

Government Lots One (1) and Two (2), in Section 27, Township 43 South, Range 25 East.

LESS PARCEL "A"

On the North by Stroud Creek; on the East by Stroud Canal; on the West by the Easterly right-of-way of I-75 (State Road 93); on the Northwest by a tributary of Stroud Creek.

LESS PARCEL "B"

On the Northeast by the Westerly right-of-way of I-75 (State Road 93); on the South and West by the Caloosahatchee River; on the Northwest by a tributary of Stroud Creek.

Parcel V

The Northeast Quarter (NE1/4) of Section 27, Township 43 South, Range 25 East, including Lot Nine (9) in that certain Subdivision known as MCSPADDENS ACRES, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6, Page 26.

LESS:

The West 610.00 feet of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4); and

LESS:

The North 760.00 feet of the West 810.00 feet (less the West 610.00 feet thereof) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4); and

continued...



LESS:

The following described parcel:

COMMENCE AT the Northwest corner of the Northeast Quarter (NE1/4) of Section 27, Township 43 South, Range 25 East;  
THENCE run S89°34'20"E along the Northerly line of said Northeast Quarter (NE1/4) a distance of 810.00 feet to the POINT OF BEGINNING;  
THENCE continue S89°34'20"E a distance of 400.00 feet;  
THENCE run S00°32'25"W a distance of 300.00 feet;  
THENCE N89°34'20"W a distance of 400.00 feet;  
THENCE run N00°32'25"E a distance of 300.00 feet to the POINT OF BEGINNING.

LESS PARCEL "A"

On the North by Stroud Creek; on the East by Stroud Canal; on the West by the Easterly right-of-way of I-75 (State Road 93); on the Northwest by a tributary of Stroud Creek.

PARCEL VI

Government Lot 3, in Section 27, Township 43 South, Range 25 East.

LESS PARCEL "A"

On the North by Stroud Creek; on the East by Stroud Canal; on the West by the Easterly right-of-way of I-75 (State Road 93); on the Northwest by a tributary of Stroud Creek.

LESS PARCEL "B"

On the Northeast by the Westerly right-of-way of I-75 (State Road 93); on the South and West by the Caloosahatchee River; on the Northwest by a tributary of Stroud Creek.

PARCEL VII

The Northwest Quarter (NW1/4) of Section 27, Township 43 South, Range 25 East.

LESS PARCEL "A"

On the North by Stroud Creek; on the East by Stroud Canal; on the West by the Easterly right-of-way of I-75 (State Road 93); on the Northwest by a tributary of Stroud Creek.

LESS PARCEL "B"

On the Northeast by the Westerly right-of-way of I-75 (State Road 93); on the South and West by the Caloosahatchee River; on the Northwest by a tributary of Stroud Creek.

LESS:

The East 194.00 feet of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4); and

LESS:

Lot Fifty-eight (58) Colony Boulevard, more particularly described as follows:

COMMENCE AT the Southwest corner of the East Half (E1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

continued...



THENCE N89°34'50"W along the South line of the Southwest Quarter (SW1/4) of said Section 22, 6.00 feet;  
THENCE S00°28'02"W 360.00 feet;  
THENCE N89°34'50"W, parallel to the South line of said Southwest Quarter (SW1/4), 100.00 feet to the POINT OF BEGINNING;  
THENCE continue N89°34'50"W, 100.00 feet;  
THENCE S00°28'02"W, 198.00 feet to the center of a waterway;  
THENCE S89°34'50"E along the center of said waterway 100.00 feet;  
THENCE N00°28'02"E, 198.00 feet to the POINT OF BEGINNING; and

LESS:

Lot Four (4) Colony Boulevard, more particularly described as follows:

COMMENCE AT the Northeast corner of the West Half (W1/2) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section 27, Township 43 South, Range 25 East;  
THENCE run S00°28'02"W a distance of 30.00 feet;  
THENCE run N89°34'50"W a distance of 103.00 feet to the POINT OF BEGINNING;  
THENCE continue N89°34'50"W a distance of 97.00 feet;  
THENCE run S00°28'02"W a distance of 270.00 feet;  
THENCE run S89°34'50"E a distance of 97.00 feet;  
THENCE run N00°28'02"E a distance of 270.00 feet to the POINT OF BEGINNING; and

LESS:

Lot Five (5), Heron Way, also described as Lot Sixty-three (63) East Lake Colony Section 1 - Unit 4, more particularly described as follows:

COMMENCE AT the Southwest corner of the East Half (E1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;  
THENCE run N89°34'50"W along the South line of the Southwest Quarter (SW1/4) of said Section 22, a distance of 6.00 feet;  
THENCE run S00°28'02"W a distance of 360.00 feet;  
THENCE run N89°34'50"W parallel to the South line of said Southwest Quarter (SW1/4), a distance of 200.00 feet;  
THENCE S00°28'02"W, a distance of 423.00 feet;  
THENCE run S89°34'50"E, a distance of 430.00 feet to the arc of a curve concave to the Southwest, having a radius of 50.00 feet;  
THENCE run Northeasterly along the arc of said curve, a distance of 27.00 feet to the POINT OF BEGINNING;  
THENCE continue along the arc of said curve a distance of 80.00 feet;  
THENCE run N40°25'00"E, a distance of 210.00 feet, more or less, to the thread of an existing waterway;  
THENCE run Northerly and Westerly, a distance of 190.00 feet, more or less, to a point which bears N00°28'02"E from the POINT OF BEGINNING;  
THENCE run S00°28'02"W, a distance of 175.00 feet to the POINT OF BEGINNING; and

LESS:

6.1 acres, constituting the Subdivision of EAST LAKE COLONY, recorded in Plat Book 16, Page 36 of the Public Records of Lee County, Florida;

EXCEPTING-THEREFROM Lots Eight (8) and Nine (9), Block "B", EAST LAKE COLONY, which Lots Eight (8) and Nine (9) are hereby conveyed as Parcel VIII.

continued...



PARCEL VIII

Lots Eight (8) and Nine (9), Block "B" of that certain Subdivision known as EAST LAKE COLONY, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 16, Page 36.

PARCEL IX

All of Section 28, Township 43 South, Range 25 East.

LESS:

The North Half (N1/2) of the North Half (N1/2) of the North Half (N1/2);  
The South Half (S1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4);  
And the East Half (E1/2) of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4).

PARCEL X

The East Half (E1/2) of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East.

LESS:

Lots One (1), Two (2) and Three (3) Bridge Road Extension, more particularly described as follows:

COMMENCE at the Northwest corner of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East;  
THENCE run N89°43'00"E along the Northerly line of said Southeast Quarter (SE1/4), a distance of 1,396.80 feet;  
THENCE run S00°17'00"E a distance of 56.00 feet to the POINT OF BEGINNING;  
THENCE S00°17'00"E a distance of 120.00 feet;  
THENCE run N89°43'00"E a distance of 270.00 feet;  
THENCE run N00°17'00"W a distance of 120.00 feet;  
THENCE run S89°43'00"W a distance of 270.00 feet to the POINT OF BEGINNING; and

LESS:

Lots Eleven (11), Twelve (12) and Thirteen (13) Sabal Way, YACHT CLUB COLONY (Unrecorded Plat), more particularly described as follows:

COMMENCE at the Northeast corner of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East;  
THENCE run S00°14'46"E, along the East line of said Southeast Quarter (SE1/4), a distance of 206.00 feet;  
THENCE run S89°43'00"W, a distance of 543.00 feet;  
THENCE run S07°48'00"W, a distance of 240.00 feet;  
THENCE run S28°28'00"W, a distance of 438.58 feet;  
THENCE run S66°28'00"W, a distance of 163.14 feet;  
THENCE run S23°38'00"W, a distance of 238.51 feet;  
THENCE run S64°28'00"W, a distance of 117.31 feet;  
THENCE run S07°28'00"W, a distance of 70.58 feet;  
THENCE run N82°32'00"W, a distance of 30.00 feet to the POINT OF BEGINNING;  
THENCE run S07°28'00"W, a distance of 274.42 feet;  
THENCE run N82°32'00"W, a distance of 170.00 feet, more or less, to the bank of Daughtrey's Creek;  
THENCE meander Northwardly along said bank to a line 299.89 feet Northerly of and parallel with the Southerly described line;  
THENCE run S82°32'00"E, a distance of 180.00, more or less, to a point on a curve concave to the East, said curve having as its elements, a central angle of 09°09'37" and a radius of 160.00 feet;

continued...



THENCE Southerly along the arc of said curve, a distance of 25.58 feet to the POINT OF BEGINNING; and

LESS:

Lot Twenty-six (26) Sabal Way, YACHT CLUB COLONY (Unrecorded Plat), more particularly described as follows:

COMMENCE at the Northeast corner of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East;  
THENCE run S00°14'16"E along the East line of said Southeast Quarter (SE1/4), a distance of 206.00 feet;  
THENCE run S89°43'00"W, a distance of 240.00 feet;  
THENCE run S28°28'00"W, a distance of 438.58 feet;  
THENCE run S61°32'00"E, a distance of 30.00 feet to the Point of Curvature of a curve concave to the Northwest, said curve having as its elements, a central angle of 38° and a radius of 275.00 feet;  
THENCE run Southwestwardly along the arc of said curve, a distance of 9.09 feet to the POINT OF BEGINNING;  
THENCE continue along the arc of said curve, a distance of 104.79 feet;  
THENCE run S65°32'00"E, a distance of 160.00 feet, more or less, to the bank of a waterway;  
THENCE meander Northeasterly along said bank, a distance of 105.00 feet, more or less, to a line 100.00 feet Northeasterly of and parallel with the Southerly described line;  
THENCE run N65°32'00"W, a distance of 155.00 feet, more or less, to the POINT OF BEGINNING.

PARCEL XI

Government Lot One (1) in Section 32, Township 43 South, Range 25 East.

LESS:

That part of the recreational area lying in Government Lot 1, more particularly described as follows:

COMMENCE at the intersection of the West line of Government Lot 1, Section 32, Township 43 South, Range 25 East, and the waters of the Caloosahatchee River;  
THENCE Southeasterly and Easterly along the waters of the Caloosahatchee River to the waters of Daughtrey's Creek;  
THENCE Northerly along the shore line of Daughtrey's Creek, continuing to meander along said Creek Northerly, Westerly and Southwesterly to where the waters of said Creek intersect with the West line of said Government Lot 1;  
THENCE South along the West line of said Government Lot 1 to the POINT OF BEGINNING.

PARCEL XII

Government Lot One (1) in Section 33, Township 43 South, Range 25 East.

PARCEL XIII

Lots Eight (8) and Nine (9), Block A of that certain Subdivision known as EAST LAKE COLONY, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 16, Page 36.

PARCEL XIV

The West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

continued...



LESS:

The East 6.00 feet thereof; and

LESS:

Lot One (1), Pelican Way, more particularly described as follows:

COMMENCE at the Northeast corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;  
THENCE run S00°28'02"W, a distance of 60.09 feet to the Southerly right-of-way of Bayshore Road;  
THENCE run N89°17'23"W along the Southerly right-of-way, a distance of 250.00 feet;  
THENCE run S00°28'02"W, a distance of 282.24 feet to the POINT OF BEGINNING;  
THENCE continue S00°28'02"W, a distance of 65.02 feet to the Point of Curvature of a curve to the right, said curve having as its elements, a central angle of 89°57'08" and a radius of 25.00 feet;  
THENCE along the arc of said curve to the right, a distance of 39.25 feet to a Point of Tangency;  
THENCE run N89°34'50"W, a distance of 105.02 feet;  
THENCE run N00°28'02"E, a distance of 90.00 feet;  
THENCE run S89°34'50"E, a distance of 130.00 feet to the POINT OF BEGINNING; and

LESS:

Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Pelican Way, more particularly described as follows:

COMMENCE at the Northeast corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;  
THENCE run S00°28'02"W, along the Easterly line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) a distance of 60.09 feet to the Southerly right-of-way of State Road 78 (Bayshore Road);  
THENCE run N89°17'23"W along said Southerly right-of-way, a distance of 250.00 feet;  
THENCE run S00°28'02"W a distance of 422.22 feet to the POINT OF BEGINNING;  
THENCE continue S00°28'02"W, a distance of 770.00 feet;  
THENCE run N89°34'50"W a distance of 130.00 feet;  
THENCE run N00°28'02"E a distance of 770.00 feet;  
THENCE run S89°34'50"E a distance of 130.00 feet to the POINT OF BEGINNING; and

LESS:

Lots 18, 19, 20, 21 and 22, Pelican Way, more particularly described as follows:

COMMENCE at the Northeast corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;  
THENCE run S00°28'02"W a distance of 60.09 feet;  
THENCE run N89°17'23"W a distance of 6.00 feet to the POINT OF BEGINNING;  
THENCE continue N89°17'23"W a distance of 194.00 feet;  
THENCE run S00°28'02"W a distance of 525.00 feet;  
THENCE run S89°17'23"E a distance of 194.00 feet;  
THENCE run N00°28'02"E a distance of 525.00 feet to the POINT OF BEGINNING; and

continued...



LESS:

Lots One (1) and Two (2) Swan Way, more particularly described as follows:

COMMENCE at the Northwest corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

THENCE run S00°20'53"W a distance of 351.99 feet to the POINT OF BEGINNING;

THENCE continue S00°20'53"W a distance of 180.00 feet;

THENCE run S89°34'50"E a distance of 112.33 feet;

THENCE run N00°28'02"E a distance of 180.00 feet;

THENCE run N89°34'50"W a distance of 112.71 feet to the POINT OF BEGINNING; and

LESS:

Lot Eight (8) Swan Way, EAST LAKE COLONY, unrecorded, more particularly described as follows:

COMMENCE at the Southwest corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

THENCE run N00°20'53"E along the Westerly line of said West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), a distance of 265.00 feet to the POINT OF BEGINNING;

THENCE continue N00°20'53"E a distance of 90.00 feet;

THENCE run S89°34'50"E, a distance of 111.40 feet;

THENCE run S00°28'02"W, a distance of 90.00 feet;

THENCE run N89°34'50"W a distance of 111.21 feet to the POINT OF BEGINNING; and

LESS:

Lot Eleven (11) Swan Way, EAST LAKE COLONY, Unrecorded Plat, more particularly described as follows:

BEGIN AT the Southwest corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

THENCE run N00°20'53"E along the West line of said West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) a distance of 85.00 feet;

THENCE run S89°34'50"E, a distance of 110.84 feet;

THENCE run S00°28'02"W, a distance of 85.00 feet;

THENCE run N89°34'50"W, a distance of 110.66 feet to the POINT OF BEGINNING; and

LESS:

Lot Sixteen (16) Swan Way, EAST LAKE COLONY, Unrecorded Plat, more particularly described as follows:

COMMENCE at the Southeast corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

THENCE run N89°34'50"W along the Southerly line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) for a distance of 380.00 feet;

THENCE run N00°28'02"E for a distance of 340.00 feet to the POINT OF BEGINNING;

THENCE continue N00°28'02"E, a distance of 85.00 feet;

THENCE run N89°34'50"W, a distance of 120.00 feet;

THENCE run S00°28'02"W, a distance of 85.00 feet;

THENCE run S89°34'50"E, a distance of 120.00 feet to the POINT OF BEGINNING.

continued...



PARCEL XV

That certain parcel being approximately 50.00 feet in width and shown as an unnumbered lot lying North of Lot 117 of that certain Subdivision known as REVISED PLAT OF YACHT CLUB COLONY, according to the plat recorded in Plat Book 12, Page 12, Public Records of Lee County, Florida.

PARCEL XVI

COMMENCE at the Northeast corner of the West Half (W1/2), Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East; THENCE run S00°06'54"E along the Easterly line of said West Half (W1/2), a distance of 176.00 feet to the POINT OF BEGINNING; THENCE continue S00°06'54"E, a distance of 60.00 feet; THENCE run S89°43'00"W and parallel to the Northerly line of said quarter section, a distance of 154.77 feet to a Point of Curvature to the left, said curve having as its elements, a central angle of 130°26'47" and a radius of 19.00 feet; THENCE along the arc of said curve a distance of 43.26 feet to a Point of Reverse Curve, said curve having as its elements, a central angle of 30°55'47" and a radius of 260.00 feet; THENCE along the arc of said curve, a distance of 140.17 feet to the Point of Tangency; THENCE run S09°47'00"E, a distance of 264.24 feet to a Point of Curvature of a curve to the left, said curve having as its elements a central angle of 26°45'56" and a radius of 80.00 feet; THENCE along the arc of said curve, a distance of 37.37 feet to a Point of Reverse Curve, said curve having as its elements, a central angle of 254°02'00" and a radius of 60.00 feet; THENCE along the arc of said curve, a distance of 266.03 feet to a Point of Reverse Curve, said curve having as its elements a central angle of 47°16'04" and a radius of 80.00 feet; THENCE along the arc of said curve, a distance of 67.00 feet to the Point of Tangency; THENCE run N09°47'00"W, a distance of 224.47 feet to a Point of Curvature of a curve to the left, said curve having as its elements a central angle of 80°30'00" and a radius of 200.00 feet; THENCE along the arc of said curve, a distance of 279.32 feet to the Point of Tangency; THENCE run S89°43'00"W, a distance of 218.25 feet; THENCE run S82°36'57"W, a distance of 367.00 feet, more or less, to the Westerly bank of Daughtrey's Creek; THENCE run Northwardly along said bank to a point 50.00 feet North-erly of and parallel to the last described course; THENCE run N82°36'57"E, 451.00 feet, more or less, to a point where the right-of-way widens to 60.00 feet; THENCE run N89°43'00"E, a distance of 509.87 feet to the POINT OF BEGINNING.

PARCEL XVII

COMMENCE at the Northwest corner of the East Half (E1/2), Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East; THENCE run S00°06'54"E, along the Westerly line of said East Half (E1/2), a distance of 176.00 feet to the POINT OF BEGINNING; THENCE continue S00°06'54"E, a distance of 60.00 feet; THENCE run N89°43'00"E, and parallel with the Northerly line of the previously mentioned Southeast Quarter (SE1/4), a distance of 705.94 feet to the Point of Curvature of a curve to the right, said curve having as its elements a central angle of 97°45'00" and a radius of 25.00 feet; THENCE along the arc of said curve, a distance of 42.65 feet to a Point of Tangency; THENCE run S07°28'00"W, 124.19 feet to the Point of Curvature of a curve to the right, said curve having as its elements a central angle of 21° and a radius of 255.00 feet;

continued...



THENCE along the arc of said curve, a distance of 93.46 feet to the Point of Tangency;  
 THENCE S28°28'00"W, 301.39 feet to the Point of Curvature of a curve to the right, said curve having as its elements, a central angle of 38° and a radius of 215.00 feet;  
 THENCE along the arc of said curve, a distance of 142.59 feet to a Point of Reverse Curve, said curve having as its elements a central angle of 43° and a radius of 170.00 feet;  
 THENCE along the arc of said curve, a distance of 172.61 feet;  
 THENCE run S23°28'00"W a distance of 113.20 feet to the Point of Curvature of a curve to the right, said curve having as its elements a central angle of 41°, and a radius of 95.00 feet;  
 THENCE along the arc of said curve, a distance of 67.98 feet to a Point of Reverse Curve, said curve having as its elements, a central angle of 57° and a radius of 100.00 feet;  
 THENCE along the arc of said curve a distance of 159.17 feet to a Point of Tangency;  
 THENCE run S07°28'00"W, 287.82 feet to the Point of Curvature of a curve to the right, said curve having as its elements a central angle of 38°12'47" and a radius of 80.00 feet;  
 THENCE along the arc of said curve, 53.35 feet to a Point of Reverse Curve, said curve having as its elements a central angle of 256°25'34" and a radius of 60.00 feet;  
 THENCE along the arc of said curve, 268.53 feet to a Point of Reverse Curve, said curve having as its elements, a central angle of 38°12'47", and a radius of 80.00 feet;  
 THENCE along the said curve having as its elements, a central angle of 43°, and a radius of 170.00 feet;  
 THENCE along the arc of said curve, a distance of 127.58 feet to a Point of Reverse Curve, said curve having as its elements a central angle of 38°, and a radius of 275.00 feet;  
 THENCE along the arc of said curve, 182.39 feet to the Point of Tangency;  
 THENCE N28°28'00"E, 301.39 feet to the Point of Curvature of a curve to the left, said curve having as its elements a central angle of 21° and a radius of 315.00 feet;  
 THENCE along the arc of said curve, 115.45 feet to the Point of Tangency;  
 THENCE N07°28'00"E, 221.54 feet;  
 THENCE run S89°43'00"W, a distance of 803.12 feet to the POINT OF BEGINNING.

#### PARCEL XVIII

A parcel of land lying in the West Half (W1/2) of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East, described as follows:

COMMENCE at the Southeast corner of Lot 4, SECOND ADDITION TO SECTION ONE YACHT CLUB COLONY, according to plat thereof in Plat Book 16, Page 35, Public Records of Lee County;  
 THENCE run S89°36'35"E and parallel with the Southerly line of said Section 29 to the Easterly bank of Daughtrey's Creek and POINT OF BEGINNING of land herein described;  
 Continue S89°36'35"E for 80.00 feet, more or less, to the Easterly line of said West Half (W1/2) of the Southeast Quarter (SE1/4) of Section 29;  
 THENCE N00°06'54"W along said Easterly line for 320.00 feet, more or less, to a point on a line 320.00 North of the South line of this parcel as measured on a perpendicular;  
 THENCE N89°36'35"W for 80.00 feet, more or less, to the Easterly bank of Daughtrey's Creek;  
 THENCE Southwardly along said Easterly bank for 320.00 feet more or less to the POINT OF BEGINNING.

continued...



SUBJECT TO:

- (a) Right-of-way of the Atlantic Coast Line Railway into Section 28 as described in deed, dated April 21, 1903, and recorded in Deed Book 17, Page 302 of the Public Records of Lee County, Florida.
- (b) Conveyance of certain islands located in Daughtrey's Creek, conveyed to the Florida Audubon Society by deed recorded January 24, 1962, in Official Records Book 119, Page 17, which contains a reverter clause if used for other than a wild life refuge.

AND

Official Records Book 2033, Page 870

Part of the North Half (N1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 43 South, Range 25 East, Lee County, Florida, described as follows:

COMMENCING at a 2" iron pipe found marking the quarter corner between Sections 21 and 28, Township 43 South, Range 25 East; THENCE S89°18'24"E, 457.87 feet, along the common line between Sections 21 and 28, to the POINT OF BEGINNING of the parcel described herein. From said POINT OF BEGINNING: THENCE S89°18'24"E, 380.58 feet, along the common line between Sections 21 and 28; THENCE S37°16'59"E, 834.72 feet, to a concrete monument found marking the Southeast corner of said North Half (N1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4); THENCE N89°25'45"W, 379.95 feet along the South line of said North Half (N1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4); THENCE N37°16'59"W, 835.75 feet, to the POINT OF BEGINNING.

Reserving unto Grantor, however, a perpetual and non-exclusive easement for ingress and egress over and across a portion of the property herein conveyed; said easement to provide for ingress and egress from adjacent lands owned by the Grantor consisting of two parcels in the North Half (N1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 28, Township 43 South, Range 25 East, Lee County, Florida to Bayshore Road (SR 78). Such easement shall be of sufficient width to comply with Lee County development specifications and both of Grantor's adjacent parcels shall have at least one (1) access point on to said easement. Grantee shall convey such easement to Grantor by separate instrument on or before June 1, 1990. Until conveyance of such easement from Grantee to Grantor, this reservation of a perpetual and non-exclusive easement for ingress and egress shall apply to the entire property herein conveyed.

LESS AND EXCEPT:

Official Records Book 1145, Pages 1706-1714

That part of:

The West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East, lying within the following described boundaries:

COMMENCE on the South boundary line of Section 22, Township 43 South, Range 25 East, at a point 351.56 feet Easterly of the Southwest corner of said Section 22; THENCE run N35°30'56"W, 1,645.13 feet; THENCE S89°42'58.56"E, 1,440.00 feet to the POINT OF BEGINNING; THENCE continue S89°42'58.56"E, 606.95 feet; THENCE S00°17'01.44"W, 100.00 feet; THENCE S87°27'14.58"W, 607.691 feet; THENCE N00°17'01.44"E, 130.00 feet to the POINT OF BEGINNING.

continued...



Containing 0.16 acre, more or less, exclusive of existing road right-of-way.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 22-43-25-00-00017.0000, 22-43-25-02-0000A.0080, 22-43-25-02-0000A.0090, 23-43-25-00-00034.0000, 23-43-25-00-00034.0020, 26-43-25-00-00001.0000, 26-43-25-01-00005.0000, 27-43-25-00-00001.0000, 27-43-25-00-00001.0010, 27-43-25-00-00001.0020, 27-43-25-00-00001.0110, 27-43-25-02-0000B.0080, 28-43-25-00-00004.0010, 28-43-25-00-00007.0000, 29-43-25-00-00007.0000, 29-43-25-00-00007.0130, 29-43-25-00-00007.0150, 32-43-25-00-00007.0000, 33-43-25-00-00009.0000; and

WHEREAS, proper authorization has been given to Henderson, Franklin, Starnes & Holt, P.A. and Johnson Engineering, Inc., by W. Emlen Roosevelt, Robert W. Kean, Jr., Hamilton F. Kean, Stewart B. Kean and John Kean, Jr. as the Trustees of The Realty Transfer Company Liquidating Trust of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on August 3, 1993, and subsequently continued to August 27, 1993; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE a rezoning to Residential Planned Development and Commercial Planned Development with conditions.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development and use of the subject property shall be in compliance with the two-page Master Concept Plan for River Run RPD/CPD (stamped received on March 9, 1993, job number 18061, File No. 22-43-25, sheets 2 of 4 [dated 2-17-93, last revised 2-5-93] and 4 of 4 [dated 9-23-92, last revised 3-1-93]) prepared by Johnson Engineering, Inc. This approval does not alleviate the need to comply with all state and county development regulations, unless specifically modified by this proposal. Pods 20, 21, 22, 23, 25, and 26 shall not be developed until residential use is consistent with the Lee Plan for development on these sites, either through Single Family Determination under Section XIII of the Lee Plan, or amendment of the Lee Plan to allow residential uses in the Interchange land use categories.



2. Development of the Pod(s) or Parcel(s) for this development shall be in substantial compliance with the Master Concept Plan. As designated, each portion of the development shall conform with the development regulations attached as Attachment C of this report. Each residential pod may be developed with a dwelling type that is less intense than shown on the Master Concept Plan, but may not be developed with a dwelling type that is more intense except upon approval as an amendment to the Master Concept Plan.
3. The developer shall provide a minimum of 12,320 square feet of hurricane shelter space in the following manner:
  - a) 2,000 to 5,000 square feet of the clubhouse facility shall be utilized as an on-site hurricane shelter, which shall include the following:
    - 1) The finished first floor elevation of any space used for shelter shall be no less than 16.1 feet above mean sea level,
    - 2) Storm shutters,
    - 3) Electrical generator,
    - 4) Potable water supply capability.
  - b) The remaining 10,320 to 7,320 square feet of shelter space shall be provided in increments of 2,000 square feet as the project is built. The developer shall submit a written report to the Lee County Emergency Management, with copy to the Department of Community Development, prior to the end of the month of June of every year, setting out the status of additional shelter space provided since the last report. Said reports shall continue until the full shelter space requirement of 12,320 square feet is met.
4. Vertical evacuation in the mid-rise buildings is hereby permitted provided all units so utilized are equipped with storm shutters. If vertical evacuation is determined to be unfeasible, the square footage of shelter space intended to be so provided shall be replaced by an equal amount of space in other buildings on the site which meet all of the stated shelter requirements.
5. The developer shall establish a hurricane vulnerability disclosure notification program. This program shall ensure that prospective purchasers of interests in real property located within a residential development be fully informed of the amount of potential flooding in feet above the Base Flood Elevation, according to the National Flood Insurance Program.
6.
  - a) The developer shall formulate an emergency hurricane preparedness and sheltering plan subject to the approval of Lee County Emergency Management.
  - b) The developer shall initiate the establishment of a homeowner's or resident's association to provide an educational program in conjunction with the staff of Emergency Management, which will provide literature, brochures, and Hurricane Awareness Seminars, if requested, describing the risks of natural and technological hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
7. The developer shall contact the Lee County Office of Emergency Management, Hazardous Materials representative, to discuss the proposed development relative to the potential type, use, and storage of hazardous materials which will be located on the premises.
8. Each phase of the River Run development shall be required to submit current FLUCCS mapping, and have all wetland lines flagged and field verified by DNR staff, prior to local development order approval.



9. A maximum of three acres of Lee County jurisdictional wetlands may be impacted within the entire project. A mitigation plan, subject to DNR's approval, shall be submitted prior to local development order approval for each wetland impact. Each mitigation plan shall include the following minimum criteria:
  - a) The designated mitigation area planted at a ratio of 1:1 to 2:1,
  - b) Replacement plants of like species as those removed,
  - c) The number of replacement plants. Ratios shall be determined by the proposed size of the replacement plants (the closer the size of the replacement plant to that of the removed plant, the smaller the replacement ratio),
  - d) An exotic removal maintenance plan,
  - e) A monitoring plan.
10. The eagle perch tree indicated on the Master Concept Plan (MCP) shall be identified and protected from construction and encroachment at the time of local development order for that portion of the site on which it is located.
11.
  - a) Approximately seven acres of contiguous palmetto prairie (FLUGCS 321) and pine flatwoods (FLUGCS 411) habitat located in the northeast portion of the project shall be preserved for gopher tortoises and Eastern indigo snakes. Approximately ten acres of contiguous palmetto prairie (FLUGCS 321) shall be preserved for gopher tortoises on the north central portion of the site, west of I-75. The preserve areas shall have a minimum dimension of 125 feet. The boundaries of the preserve areas shall be identified at the time of local development order.
  - b) Should the species survey conducted pursuant to Condition 15 warrant, DNR staff may approve a reduction or enlargement in the size and/or dimension of the preserve areas required by this condition. However, should a new survey within the area of the known Eastern indigo snake habitat not locate an indigo snake, it shall be within the discretion of DNR staff whether the area should remain as possible Eastern indigo snake habitat, provided this decision is based on pertinent biological data.
12. Single-family lots created within the development which abut existing water bodies and which are eligible for a dock permit under the Lee County Dock Ordinance (No. 85-25, as amended) shall have an average minimum width of 100 feet per lot as measured within the subject platted area. However, in no case shall more single-family lots be created using an average minimum width of 100 feet per lot than could be created if each lot was required to be a minimum of 100 feet in width. This condition is not intended to restrict these lots to SF-1 uses only; any of the single-family residential uses set out in the development regulations attached to the Master Concept Plan may be developed provided the minimum width complies with this condition.
13. Marinas and multi-slip docking facilities (as defined by the Lee County Zoning Ordinance) are specifically prohibited within the River Run development.
14. A comprehensive Manatee Protection Plan shall be submitted to the Division of Natural Resources Management for approval prior to the approval of the first development order for any portion or phase of the River Run development. This plan shall include, but not be limited to: access channel marking; limited motorized vessel use of creeks & canals; aquatic vegetation location and protection; and an ongoing manatee education program for all residents of the River Run development.
15. An approved species survey shall be performed, per Section 15 of the Development Standards Ordinance (DSO) as amended, prior to the granting of a local development order for each phase of this development. Species



surveys which are performed shall be considered valid for a period of five years from their approval date, and may be used for any phase of the development area which was part of the approved surveyed.

16. Prior to the first local development order approval for any phase of the River Run development, an invasive exotic vegetation removal and maintenance plan for the entire site shall be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan shall be structured to provide for the phased removal of invasive exotic vegetation and maintenance of such on a pro rata basis as phased local development orders are obtained.
17. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local development order per the Development Standards Ordinance or other Lee County ordinances.
18. Approval of this rezoning does nothing more than change the zoning districts wherein the subject property lies, and does not grant or vest in the developer any present or future development rights that may exceed any Lee Plan use restrictions set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.
19. The developer must comply with the provisions of Standard 12.2 of the Lee Plan with regard to connection to a regional wastewater treatment facility if such service is available, or provision of an on-site facility. If a regional or central sewer service is available at the time of development, the temporary plant shall be deleted from the Master Concept Plan. If a regional or central sewer service becomes available after the temporary plant is constructed, the temporary plant shall be closed and removed from the site within six months after the public service is available. Applicant may consider the subject property as one contiguous parcel, or as two "separate" parcels for the purposes of this condition.
20. Deviation (1) is a request to deviate from the requirement that lands identified as meeting the criteria of Resource Protection Areas must meet certain performance standards and may not be used for roads except in instances of overriding public interest (Section 6.01 and 8.01 of Ordinance 86-33, Development Standards Ordinance Section C.1.b.4.a., and Zoning Section 202.B.1.b.), to permit necessary flexibility in design and construction of the internal roadways (Deviation (1)) and golf cart boardwalks, by allowing a maximum impact of up to two acres of RPA and one acre of TZ at a mitigation ratio of between 1:1 and 2:1 as determined by the applicant and the Lee County Division of Natural Resources Management at the time the nature of the area of impact is known through finalization of plans during the Development Order process. The Division of Natural Resources Management has recommended that this deviation be approved with a condition that limits the impacts to a maximum of three acres, replacement of like species of plants, and establishment of an exotic vegetation removal and maintenance program, and a monitoring plan. Deviation (1) is hereby APPROVED, as conditioned.

Deviation (2) is a request to deviate from the requirement of Development Standards Ordinance Section 10.I.5.c. (Ordinance 92-53) which requires that excavations not exceed 12 feet in depth, to 20 feet in depth, or to the confining layer whichever is more restrictive, and from the requirement of Development Standards Ordinance Section 10.I.5.a.2 (Ordinance 92-53) which requires that setbacks from a private property under separate ownership, a minimum of 50 feet, to set back 25 feet to perimeter property lines. The Division of Natural Resources Management has recommended denial of the increased lake depth. If this is recommended for approval, a set of conditions have been recommended by this division. Deviation (2) is hereby APPROVED, as conditioned below:

- 1) A destratification system, adequate for pond size and volume, shall be installed prior to Certificate of Compliance (C.C.) approval for local development order. The design of such a system shall be submitted to and approved by the Division of Natural Resources Management prior to installation.



- 2) Lake littoral plantings shall be installed following the criteria set forth in the Development Standards Ordinance, Section 13.H., with the exception that three plants shall be installed for each linear foot of shoreline.

Deviation (3) has been withdrawn by the Applicant.

Deviation (4) is a request to deviate from the requirement of Development Standards Ordinance Section 10.1.5.d. (Ordinance 95-53) that excavation shall be sloped at a ratio not greater than 4(H):1(V) to a water depth of four feet below dry season water table, to allow seawalls/bulkheads of up to a maximum of 40 percent of lake banks as allowed by South Florida Water Management design requirements. Deviation (4) is hereby APPROVED with the condition that seawalls or bulkheads, subject to Ord. 85-25, as amended, on water retention lakes within the development are subject to the approval of the DNRM Staff, on a case by case basis, after consideration of lake depth, possible nutrient loading, safety concerns, and other relevant factors and provided further that no more than 15 percent of any individual lake bank shall be seawalled or bulkheaded.

Deviation (5) is a request to deviate from the requirement of Development Standards Ordinance Sections 9.N. and 9.O for continuation of street access and road stub-outs to adjoining properties, to require no stub-outs. Deviation (5) is hereby APPROVED.

Deviation (6) is a request to deviate from the requirement of Development Standards Ordinance Section 9.P.4 (Table 9-4) which requires that wearing surfaces for local roads within Class A Developments shall be 1-1/2" asphaltic concrete of Florida Department of Transportation Type S-1, to allow for decorative pavers. Deviation (6) is hereby APPROVED, provided all roads so designed are under private ownership.

Deviation (7) is a request to deviate from the requirement of Development Standards Ordinance Section 11.A.1.b. that all above-ground or partially above-ground sewage disposal facilities (active or passive) shall be set back at least 100 feet from any perimeter property line, to allow a 50 feet setback should the alternative sewage treatment plant be constructed. Deviation (7) is hereby APPROVED, provided any relocation of the sewage treatment plant from the location depicted on the master concept plan is reviewed as a plan amendment requiring public hearing, and Condition 19 is complied with.

Deviation (8) is a request to deviate from the requirement of Development Standards Ordinance Section 11.C.3.c. that individual sewage disposal systems shall not be located laterally within 100 feet of the high water mark, to allow 50 feet. Deviation (8) is hereby DENIED.

Deviation (9) is a request to deviate from the requirement that buildings in an RPD within the Suburban and Outlying Suburban land use categories be as tall as 45 feet above minimum flood elevation with no more than three habitable stories (Zoning Ordinance Section 431.C.a.3.), to 75 feet above minimum flood elevations with no more than six habitable stories. Deviation (9) is hereby APPROVED, provided such buildings are restricted to the locations depicted on the master concept plan.

Deviation (10) is a request to deviate from the requirement that all structures and pavements shall be setback from the development perimeter a distance equal to the width of a minimum buffer area or 15 feet, whichever is the greater (Zoning Ordinance Section 431.C.2.a.1.), to allow a setback of zero (0) feet where the northwesterly planned development boundary abuts property to its north which is controlled by the Applicant. Deviation (10) is hereby APPROVED only for the road right-of-way providing access to the property west of I-75.

Deviation (11) is a request to deviate from the requirements of Development Standards Ordinance Section 9, Table 9-4, and Section A-2(c) and B-2 of Administrative Code No. 11-9, for local streets with open drainage cross-section with a volume of more than 800 VPD with dual ten-foot-wide utility easements, to allow such Class C internal roadway to be constructed as shown on typical road Sections A and B and the typical



pedestrian walkway attached to this application. The street cross-section as set forth in Deviation (11) is hereby DENIED; however, the bike path and roadway separation set out in Deviation (11) are hereby APPROVED.

Deviation (12) is a request to deviate from the requirements of Zoning Ordinance Section 431.C.2.b. for setbacks from lot lines and separation of buildings within a Residential Planned Development, to allow approval of the Applicant's proposed property development regulations. Deviation (12) is hereby APPROVED only for those development regulations attached as Exhibit C to the staff report.

Deviation (13) is a request to deviate from the requirement of Development Standards Ordinance Section 9.E (Table 9-1) which requires that intersections of streets, access streets or accessways with an arterial street shall not be less than 660 feet apart using a centerline measurement, to allow a separation of 100 feet apart using a centerline measurement. Deviation (13) is hereby APPROVED only for Pelican Way.

Deviation (14) is a request to deviate from the requirement of Development Standards Ordinance Section 9.E. (Table 9-1) which requires that intersections of streets, access streets or accessways with an arterial street shall not be less than 660 feet apart using a centerline measurement, to allow a separation of 460 feet apart using a centerline measurement. Deviation (14) is hereby APPROVED.

Deviation (15) is a request to deviate from the requirement of Development Standards Ordinance Section 9.K.3. which requires, where practical, two or more means of ingress or egress to a development, to allow access as shown on the Master Concept Plan. Deviation (15) is hereby APPROVED for the development east of I-75; Deviation (15) is hereby APPROVED for the development, west of I-75, subject to the following conditions:

- 1) To the extent of the golf course, clubhouse, 0.5-acre neighborhood commercial center, 0.5-acre park, and 351 dwelling units. Beyond this amount of development, a second access point acceptable to the Director of the Department of Community Development shall be provided, unless the developer can demonstrate to the satisfaction of the Director that the developer has negotiated in good faith and with due diligence to obtain such access.

In the event a second access cannot be obtained by the developer and the County determines that one is necessary utilizing the available road access into and through Yacht Club Colony to provide for continued development of the project beyond the intensity described above; then, in order to protect the health, safety, and welfare of the future residents of River Run, the County shall hold a new public hearing, in accordance with the zoning regulations concerning amendments to approved planned developments. Notice of this public hearing shall be mailed to owners of property within the Yacht Club Colony fronting Clubhouse Road and Bridge Road north of the intersection of Winston Road.

Site Plan 93-052 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of RPD and CPD zoning:

- A. That the development trends in the surrounding area makes approval of the CPD and RPD requests appropriate.
- B. That the CPD and RPD zoning, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- C. That the CPD and RPD zoning, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.



- D. That the CPD and RPD zoning, as conditioned, will meet or exceed all performance and locational standards set forth for the proposed uses.
- E. That the CPD and RPD, as conditioned, will be served by available, adequate urban services, as defined in the Lee Plan.
- F. That the CPD and RPD zoning, as conditioned, will protect, conserve and preserve environmentally critical areas, natural resources and designated flora and fauna.
- G. That the CPD and RPD uses, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- H. That the location of the CPD and RPD, as conditioned, will not place an undue burden on existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by this development.
- I. That the CPD and RPD uses, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Lee County ordinances.
- J. That the conditions imposed herein are reasonably related to the impacts caused by or resulting from the proposed development.
- K. That the deviations approved herein enhance the achievement of the objectives of the CPD and RPD, and preserve and promote the protection of the public health, safety and welfare.
- L. That a temporary on-site sewage treatment facility is consistent with the intent and criteria of Standard 12.2 and other provisions of the Lee Plan related to the provision of sewer service.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Douglas St. Cerny, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 18th day of October, A.D., 1993.

ATTEST:  
CHARLES GREEN, CLERK

BY: Charles J. Green  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: John E. Manning  
Chairman

Approved as to form by:

Charles J. Green  
County Attorney's Office

FILED

OCT 28 1993

CLERK CIRCUIT COURT  
BY CJG D.C.

HEARING NUMBER 93-08-03-DCI-02  
(8168Z/R)

RESOLUTION NUMBER Z-93-052  
Page 18 of 18







[illegible][illegible][illegible]

4. The 132 construction is primary for the treatment in *Notes*.

1. One construction is in *propositional action*, and 121 is *substantive* (Section 64).
2. One construction is in *propositional action*, and 121 is *substantive* (Section 64).

5. *Notes* for the *Notes* are:

1. One construction is in *propositional action*, and 121 is *substantive* (Section 64).
2. One construction is in *propositional action*, and 121 is *substantive* (Section 64).

ALWSEC 3-1-53  
REVSEC 2-11-59

**JOHNSON ENGINEERING, INC.**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 2700 W. 10TH STREET, SUITE 100, DENVER, COLORADO 80202, PHONE (303) 733-1000



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

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SUBADDRESS		
CONNECTION ID		
ST. TIME	12/01 11:03	
USAGE T	05'05	
PGS. SENT	12	
RESULT	OK	





# LEE COUNTY

## SOUTHWEST FLORIDA

### DIVISION OF PLANNING FACSIMILE

P.O. Box 398  
Fort Myers, FL 33902  
(239) 479-8585  
Fax: (239) 479-8319

To:	<i>Barnard Prower</i>	Date:	
Fax #:	<i>850 488 3309</i>	Pages:	<i>12</i> , including this cover sheet
From:	<i>Brandy Overmyer</i>		
Subject:	<i>Map 5 of the Lee Plan</i>		

#### COMMENTS:

*For your convenience, I have also attached the amendment that adopted Map 5 in 1999.*

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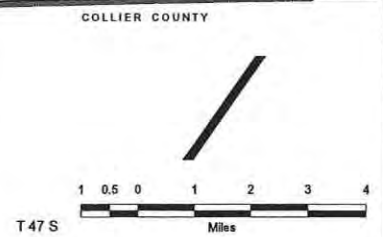
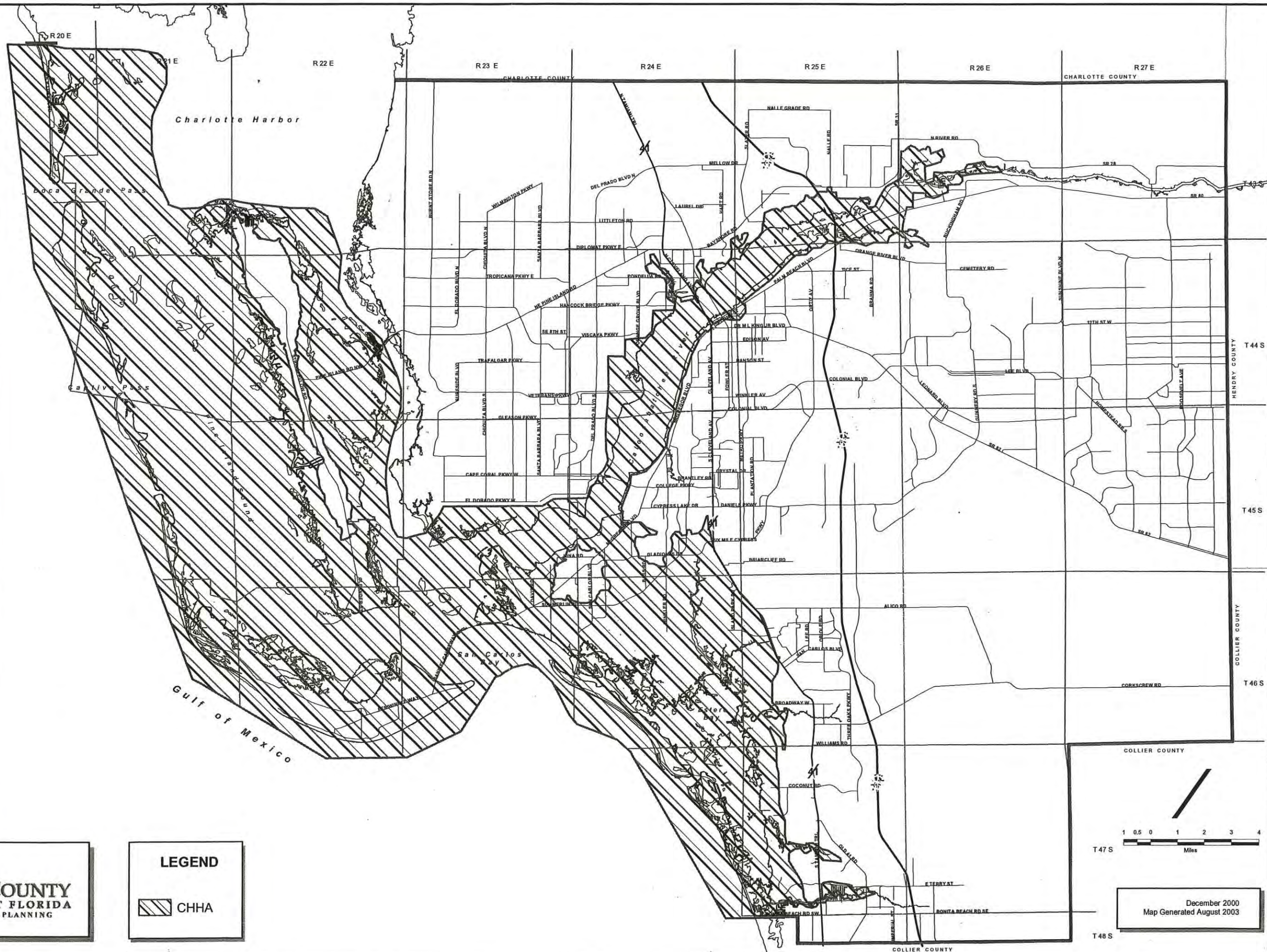
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# LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA) (Lee Plan Map 5)



## LEGEND



December 2000  
Map Generated August 2003



**PAT 98-34  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**BoCC Adoption Document**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**November 22, 1999**



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAT 98-34**

✓	<b>This Document Contains the Following Reviews:</b>
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 19, 1999

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Glossary to modify the "Coastal High Hazard Area" definition to be consistent with Florida Statute 163.3178(2)(h) and evaluate the effects of this change on Goals 75 and 76 and their subsequent policies.

**B. BACKGROUND INFORMATION**

This amendment was initiated by the Board of County Commissioners on September 15, 1998. The original background report identified that the statute defines high-hazard coastal areas as category 1 evacuation zones. The Lee Plan Glossary currently provides the following definition for "Coastal High Hazard Area" - "The category 1 storm surge area as delineated in the 1991 Hurricane Evacuation Study for Southwest Florida by the Southwest Florida Regional Planning Council." The DCA staff has informed planning staff that they will not process any further amendments until this definition is amended to be consistent with F.S. 163.



## C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

### 1. RECOMMENDATION:

Revise the definition of Coastal High Hazard Area as follows:

**COASTAL HIGH HAZARD AREAS** - The category 1 ~~storm surge area~~ evacuation zone as delineated in the 1991 Hurricane Evacuation Study for Southwest Florida by the Southwest Florida Regional Planning Council.

### 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

Florida Statute 163.3178(2)(h) and Rule 9J-5.003, F.A.C. require that the Coastal High Hazard Area be the Category 1 Hurricane evacuation zone, as defined by the local Regional Planning Council.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

The Lee Plan, during the early Evaluation and Appraisal Report (EAR) process, adopted a new definition called Coastal High Hazard Area. This was in response to a 1993 change to Florida Statute 163.3178(2)(h) and Rule 9J-5.003, F.A.C. The statute was changed to state

*Designation of high-hazard coastal areas, which for uniformity and planning purposes herein, are defined as category 1 evacuation zones. However, application of mitigation and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.*

The rule states:

*"Coastal high hazard areas" (also "high-hazard coastal areas") means the evacuation zone for a category 1 hurricane as established in the regional hurricane evacuation study applicable to the local government.*

Then and now, Rule 9J-5.012(3)(b)6, F.A.C., required that development be directed away from coastal high-hazard areas. References to the "A zone" in Objective 75.1 and Policy 75.1.4 were changed to the new term of Coastal High Hazard because it was the opinion of the Growth Management Coordinator that the A zone encompassed a significant portion of Lee County and extended beyond the coastal planning area.

In 1989, the coastal planning area boundary was based on "all sections of unincorporated Lee County containing any portion of the A Zone (the 100-year floodplain as mapped by FEMA), lying westward (toward the Gulf) of the municipal boundaries of Fort Myers and Cape Coral (Lee County Coastal Study, 1988, page 1). Since 1989, several FEMA A Zone areas have been added outside of the coastal planning area boundary indicating areas flooded by rainfall events, not storm surge.



Objective 2.1 of the 1988 Lee County Coastal Study (page III-8) was the basis for Lee Plan Objective 75.1 and Policy 75.1.4. Objective 2.1 stated in part that "...densities within vulnerable A Zone areas will be reduced where possible." The term "vulnerable" made this statement somewhat ambiguous as to which part of the A Zone was appropriate for reduced densities. The new definition for the Coastal High Hazard area was deemed the more appropriate and realistic area for the potential reduction of densities.

The definition that was adopted read:

**COASTAL HIGH HAZARD AREAS** - *The category 1 storm surge area as delineated in the 1991 Hurricane Evacuation Study for Southwest Florida by the Southwest Florida Regional Planning Council.*

County staff apparently mis-read the intent of the rule and used the "scientifically" supportable storm surge area that the Regional Planning Council SLOSH model indicated as lands that would flood in a category 1 event. The rule, however, requires that the **evacuation zone** for a category 1 hurricane as established in the regional hurricane evacuation study be used for the definition. The evacuation zone uses things such as roadways to give the public an easy point of reference and, therefor, enlarges the actual area beyond the line identified by the model. The areas most affected by this change are north Bonita/south Estero west of U.S. 41, approximately a mile and one-half north and south of Cypress Lake Drive, lands near the Orange River and a smaller portion of North Fort Myers south of S.R. 78 between the two U.S. 41 and Business 41. In all approximately 30 square miles will be added to the area.

F.S. 163.3178(2)(h) requires that the coastal management element designation of high hazard coastal areas be defined as category 1 evacuation zones, but allows local government discretion with regard to the application of coastal infrastructure mitigation and redevelopment policies and rules pursuant to F.S. 380.27(2). F.S. 380.27(2) pertains to the use of state funds to increase the capacity of infrastructure. This provision means that Goal 76 and its subsequent objective and policies will not be affected by this new definition. However, Rule 9J-5.012(3)(b)6, F.A.C. requires that the county "direct population concentrations away from known or predicted coastal high-hazard areas." This indicates to staff that to have the provisions of Goal 76 remain only on the previously defined lands the county would still have to establish a policy or policies to deal with the new expanded area.

## **B. CONCLUSIONS**

Clearly the statute and rule require that the definition of Coastal High Hazard Area be amended.

## **C. STAFF RECOMMENDATION**

Revise the definition of Coastal High Hazard Area as follows:

**COASTAL HIGH HAZARD AREAS** - ~~The category 1 storm surge area~~ evacuation zone as delineated in the 1991 Hurricane Evacuation Study for Southwest Florida by the Southwest Florida Regional Planning Council.



**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF LPA PUBLIC HEARING: April 26<sup>th</sup>, 1999

**A. LOCAL PLANNING AGENCY REVIEW**

One LPA member asked the staff if the state has decided that we must conform to their definition in order to receive land use map amendments. Staff said that was the case. The member asked if this included text amendments and staff said it would. Another member then questioned the Department of Community Affairs' authority to make that decision. Staff stated that the DCA indicated this in conversations. Staff stated that an amendment was made to this definition in 1994 and DCA did not object to it or even comment on it. The LPA then examined a map of the newly defined area and one member stated that the new definition would add 30 square miles and would be identical to FEMA. One member then stated that what staff was proposing was consistent with the rule but that the rule "stinks."

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners not transmit the amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA found that staff was behaving properly in bringing the matter in front of it, but that the DCA was overreaching their authority.

**C. VOTE:**

BARBARA BARNES-BUCHANAN	<u>AYE</u>
WILLIAM HICKOK	<u>AYE</u>
MITCHEL HUTCHCRAFT	<u>ABSENT</u>
RONALD INGE	<u>ABSENT</u>
BILL SPIKOWSKI	<u>ABSENT</u>
GREG STUART	<u>AYE</u>
MATT UHLE	<u>AYE</u>



**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 4<sup>th</sup>, 1999

**A. BOARD REVIEW:** Staff made a short presentation concerning the content and reasons behind this amendment. Planning staff stated that initially the DCA staff informed Lee County planning staff that they would not process any further amendments until this definition is amended to be consistent with F.S. 163. In further communications with the Department, the DCA staff relayed that they really did not have this authority but future amendments within the Coastal High Hazard Area could be affected. The Board provided no discussion concerning the proposed plan amendment.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board agreed with staff's recommendation to update the definition of Coastal High Hazard Area to reflect current Florida Statutes and Rules.

**C. VOTE:**

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
RAY JUDAH	<u>AYE</u>
JOHN MANNING	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>



**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: September 22, 1999

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Department of Community Affairs Objections, Recommendations, and Comments (ORC) Report issued on September 22, 1999 provided the following objections and recommendations:

*PAT 98-34: Amends the Glossary to modify the definition of the "Coastal High Hazard Area".*

**Objection:**

*The proposed revision of the definition of the coastal high hazard area (CHHA) is not accompanied by a map of the CHHA, included as part of the adopted Future Land Use Map (FLUM) series.*

*Chapter 163.3177(6)(a) & (g); F.S.; Rule 9J-5.003(19), 9J-5.006(4)(a), and 9J-5.012(3)(c)7, F.A.C.*

**Recommendation:**

*Include with the amendment, a map of the new coastal high hazard area boundary, adopted as part of the Future Land Use Map series.*

**B. STAFF RESPONSE**

Upon further review, planning staff agrees that Rule 9J-5.006(4)(b)(6) requires that "Coastal high hazard areas" be shown on the future land use map or map series. Planning staff has worked with Regional Planning Council (RPC) staff in the preparation of the attached "Lee County Coastal High Hazard Area" map. Attached is a letter from the Executive Director of the RPC that confirms this. Planning staff recommends that this map be included in the Lee Plan as "Map 5." With the inclusion of this map, staff believes that the amendment is consistent with Florida Statutes and the Minimum Criteria Rule.

**C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners adopt the amendment as proposed with the modification of adding a new Map 5.



**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: November 22, 1999

**A. BOARD REVIEW:** Staff gave a brief summary of the amendment, highlighting the changes that had been made in response to the ORC Report. The Board of County Commissioners provided no discussion on the amendment.

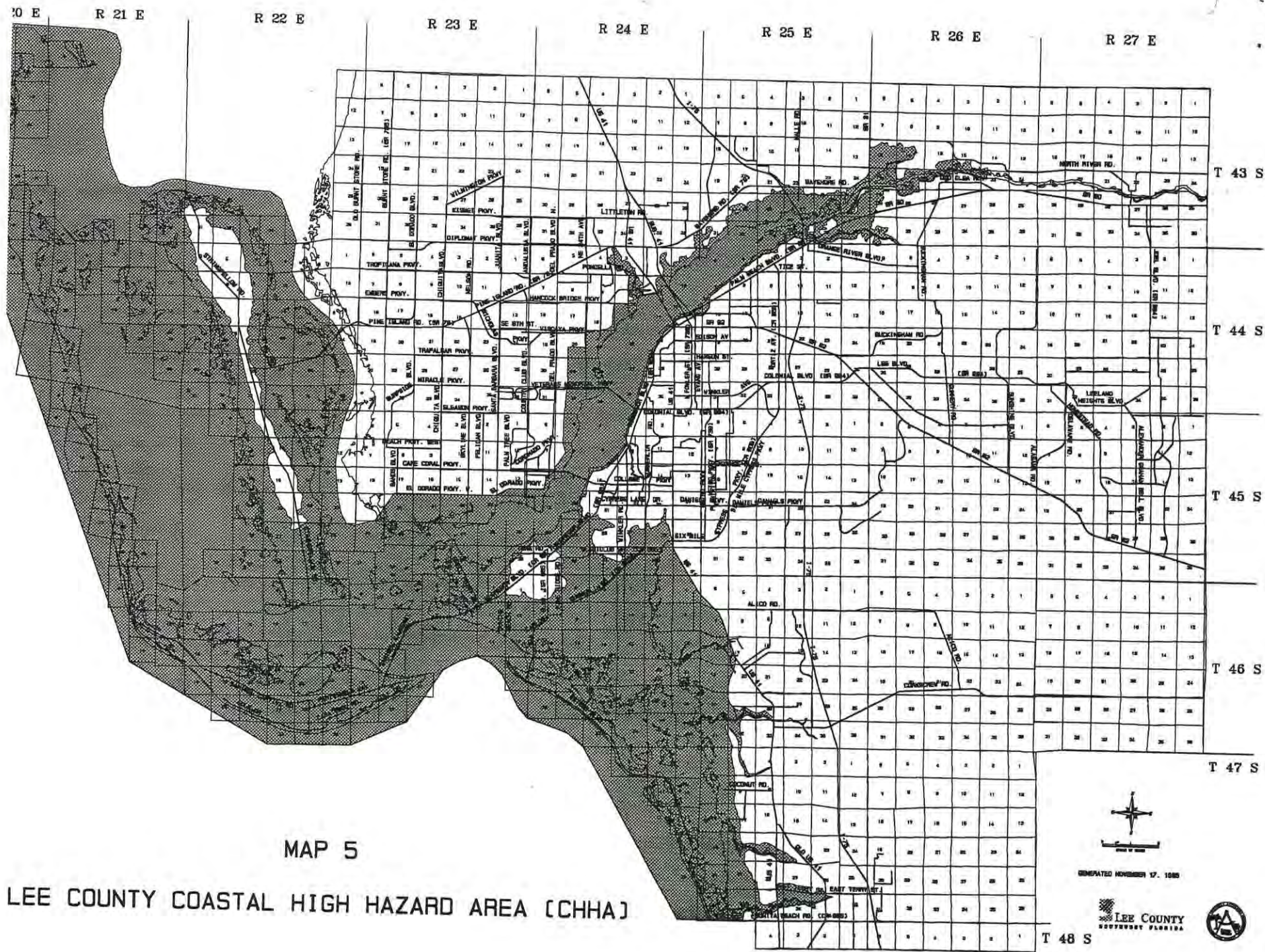
**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board of County Commissioners voted to adopt this amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

JOHN ALBION	_____
	AYE
ANDREW COY	_____
	AYE
RAY JUDAH	_____
	AYE
JOHN MANNING	_____
	AYE
DOUG ST. CERNY	_____
	AYE





MAP 5

LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA)



GENERATED NOVEMBER 17, 1999

LEE COUNTY  
SOUTHFLORIDA



T 48 S





## Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (941) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX 941-656-7724

November 9, 1999

Mr. Paul O'Connor  
Director  
Lee County Planning Department  
P.O. Box 398  
FORT MYERS, FL 33902-0398

Dear Mr. O'Connor:

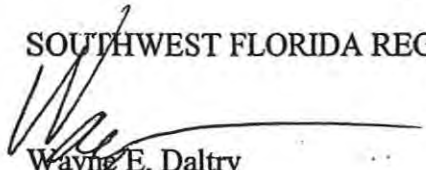
This letter affirms that the Category 1 storm surge line contained in the Southwest Florida Regional Hurricane Evacuation Study, Update 1995, has been used by Lee County in the development of its Category 1 evacuation zones. The storm surge lines were developed in coordination with the National Hurricane Center and DCA's Division of Emergency Management.

Staffs coordinated the development of the evacuation zones to ensure the ability to notify residents of the degree of threat, referencing the better known place names, rather than the comparable topographic elevations. The Council has previously reviewed the county maps, and concluded that they were consistent with the intent of the identification of the Category 1 storm surge lines for evacuation purposes.

Please feel free to contact me if I can be of further assistance.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

  
Wayne E. Daltry  
Executive Director

WED/nlg

LEE COUNTY  
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**2004/2005 REGULAR LEE PLAN AMENDMENTS  
ADOPTION HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET  
OCTOBER 12, 2005  
9:30 A.M.**

**AGENDA**

- 1. CALL TO ORDER; CERTIFICATION OF AFFIDAVIT OF PUBLICATION**
- 2. CONSENT AGENDA**

- **Public Comment on Consent Agenda**
- **Consent Items to be Pulled for Discussion by the Board**
- **Motion on the Balance of Items**
- **Consideration of Items Pulled for Discussion**

*Allyson  
Final 3rd Approval  
Consent  
Agenda*

**A. CPA2004-02 – Estero Outdoor Display**

Amend the Future Land Use Element, Policy 19.2.5., to allow outdoor display in excess of one acre at the intersection of I-75 and Corkscrew Road.  
Sponsor: Argonaut Holdings, Inc.

**B. CPA2004-08 – Oak Creek**

Amend the Future Land Use Map series for a 27.25± -acre portion of land located in Section 17, Township 43 South, Range 25 East, to change the classification shown on Map 1 from "Rural" to "Suburban." Amend the Future Land Use Map series for a 17.81±-acre portion of land located in Section 19, Township 43 South, Range 25 East, to change the classification shown on Map 1 from "Suburban" to "Rural."  
Sponsor: S.W. Florida Land 411, LLC

**C. CPA2004-09 – Captiva**

Amend Goal 13 of the Lee Plan specific to the Captiva community to incorporate the recommendations of the Captiva Island Community Planning effort. Amend Goal 84: Wetlands to add a new Policy 84.1.4.  
Sponsor: Board of County Commissioners



**D. CPA2004-12 - Boca Grande**

Amend the Future Land Use Element to incorporate the recommendations of the Boca Grande Community Planning effort, establishing a new Vision Statement and a new Goal, including Objectives and Policies specific to Boca Grande.

Sponsor: Board of County Commissioners

**E. CPA2004-14 – Coastal High Hazard Area**

Amend the Conservation and Coastal Management Element, Policy 105.1.4., to consider limiting the future population exposed to coastal flooding while considering applications for rezoning in the Coastal High Hazard Area.

Sponsor: Board of County Commissioners

**F. CPA2004-15 - Fort Myers Shores Table 1b Update**

Revise the Lee Plan Land Use Allocation Table (Table 1b) for the Fort Myers Shores Planning Community to address the establishment of the Outlying Suburban future land use category within the Planning Community.

Sponsor: Board of County Commissioners

**G. Adopt the following Ordinance, which adopts the Consent Agenda items:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**3. ADMINISTRATIVE AGENDA**

**A. CPA2004-13 - I-75 and S.R. 80 Interchange**

Amend the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

Sponsor: Board of County Commissioners

*Hall  
Albion  
Approved w/  
CC. in NE quad*



**B. Adopt the following Ordinance, which adopts CPA2004-13:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2004-13 (PERTAINING TO I-75 AND S.R. 80 INTERCHANGE) APPROVED DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE FUTURE LAND USE MAP; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**C. CPA2004-16 – Pine Island Compromise**

*Amend  
Pine Island  
2nd  
Adoption*

The compromise proposes to amend the Lee Plan as follows:

Amend the Future Land Use Map series for specified parcels of land (total of approximately 157 acres) located in Section 31, Township 43 South, Range 22 East, to change the Future Land Use classification from "Coastal Rural" to "Outlying Suburban." The property is generally located in the Bokeelia area south of Barrancas Avenue and north of Pinehurst Road.

Amend the Pine Island Vision Statement and Goal 14 to recognize the value of preserving agricultural activities on the island;

Amend the Future Land Use Element Policy 1.4.7, the Coastal Rural Policy, to allow the retention of active or passive agriculture in lieu of habitat restoration to regain density;

Amend the current percentages of preserved or restored uplands in Policy 1.4.7;

Add a policy that further defines the restoration standards referred to in Policy 1.4.7;

Amend Housing Element Policy 135.2.3. to incorporate a reference to the Coastal Rural future land use category;

Amend the Pine Island Vision Statement, Goal 14, Table 1(a) footnote 4, the Definition of Density in the Glossary, and other Plan provisions to create a new transfer of development rights program for Pine Island; Amend the definition of Density to allow mixed use projects to retain some or all residential density that is typically lost to commercial acreage, if Pine Island TDRs are utilized to regain density; Amend the Mixed Use definition in the Glossary to redefine mixed use projects;



Evaluate creating a concurrency exception area for a portion of Pine Island Center; and,

Evaluate establishing additional Urban Infill areas on the mainland portion of the County to be receiving areas for Pine Island TDRs. Evaluate increasing allowable bonus densities in specific locations based on a point system that incorporates several criteria.

Sponsor: Board of County Commissioners

**D. Adopt the following Ordinance which adopts CPA2004-16:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2004-16 (PERTAINING TO THE PINE ISLAND COMMUNITY PLAN COMPROMISE) APPROVED DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**4. ADJOURN**

These meetings are open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.





# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

ELINOR C. SCRIPPA, Ph.D.  
CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
VICE CHAIRMAN • DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

JANE E. KUCKEL, Ph.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

RECEIVED  
SEP 29 2005

COMMUNITY DEVELOPMENT

September 28, 2005

Brandi Gonzalez  
Lee County Planning  
P.O. Box 398  
Fort Myers, FL 33902-0398

Re: CPA 2004-13 I-75 and S.R. 80

Dear Ms. Gonzalez:

Thank you for the opportunity to review the future land use amendment for northeast quadrant of the I-75 and S.R. 80 regarding the educational impacts this amendment will have on the Lee County School District.

Based on the proposed maximum total of 412 units the Lee County School District will estimate the impact using the generation rate of 0.109 students for multi-family residential dwelling units, or .352 generation rate for single family residential dwelling units. 412 *multifamily* dwelling units would generate 45 new students creating a need for 2 new class rooms. 412 *single family* dwelling units would generate 145 new students creating a need for 6 new class rooms. In addition to the classrooms the Lee County School District would have a need for increasing staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, residential development in the northeast quadrant of the I-75 and S.R. 80 will create the payment of impact fees to maintain the appropriate levels of service for expanding capacity with Lee County School District.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 335-1415.

Sincerely,

Tina Silcox, Community Development Planner  
Planning Department

#### DISTRICT VISION

TO BE A WORLD-CLASS SCHOOL SYSTEM

#### DISTRICT MISSION

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT



## Brandy Gonzalez - Re: DCA comments

---

**From:** "Sean Schwinghammer" <seanhammer@hotmail.com>  
**To:** <OCONNOPS@leegov.com>  
**Date:** 8/22/2005 2:57 PM  
**Subject:** Re: DCA comments

---

Mr. O'Connor

I read the documents and they are definitely negative. We would like to work with you on the response because it seems the DCA staff is very opposed. Please tell me it is just posturing and after relaying information regarding fill, proximity to I-75, buildings raised above ground parking, etc, that they might calm their negativity???

We really would like your opinion on these comments and to discuss strategy with you.

Sean Schwinghammer  
 305-798-3724

>From: "Paul O'Connor" <OCONNOPS@leegov.com>  
 >To: <seanhammer@hotmail.com>  
 >Subject: Re: DCA comments  
 >Date: Mon, 22 Aug 2005 13:19:19 -0400  
 >  
 >The ORC was received today. I have attached it as a PDF file.  
 >  
 >Paul O'Connor, AICP  
 >Director of Planning  
 >Lee County Department of Community Development  
 >1500 Monroe Street  
 >Fort Myers, FL 33901  
 >e mail oconnops@leegov.com  
 >Phone (239) 479-8309; FAX (239) 479-8319

><< ORC081905.pdf >>

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<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>



**From:** Brandy Gonzalez  
**To:** bernard.piawah@dca.state.fl.us  
**Date:** 8/19/05 2:55PM  
**Subject:** Requested information

Good afternoon Bernard -

Per your conversation with Matt Noble this morning, I have attached a list of policies from the Lee Plan that address flood issues. Also attached is a copy of the FIRM Panel that includes the area subject to plan amendment CPA2004-13. Please note that we have recently updated the Lee Plan Codification and as part of that update a majority of the Plan has been renumbered. The updated version of the Lee Plan can be found online at:

<http://www.lee-county.com/dcd/>

The link is at the bottom of the web page. Staff will mail you a hardcopy of the revised plan as soon as it is available. Please let me know if you have any questions.

Brandy Gonzalez  
Planner - DCD  
bgonzalez@leegov.com  
Phone: 239-479-8316  
FAX: 239-479-8319

**CC:** Noble, Matthew



## **Flood Policy in the Lee Plan**

### **Future Land Use Element**

**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 soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

### **Community Facilities and Services – c. Surface Water Management**

**GOAL 59: PROTECTION OF LIFE AND PROPERTY.** To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

**OBJECTIVE 59.1:** Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 59.1.2:** From technical data underlying the surface water management plan, criteria will be established and utilized to identify floodways and other areas of special flood risk not already identified by the Federal Flood Hazard Map and Flood Insurance Study. (Amended by Ordinance No. 00-22)

**POLICY 59.1.3:** By 1995, Lee County will update its flood plain regulations in accordance with the 1984 Flood Plain Management Study and other available sources. (Amended by Ordinance No. 94-30)

**POLICY 59.1.4:** Continue to develop, update, and improve technical information, with the assistance of the U.S.D.A. Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency, South Florida Water Management District, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events. (Amended by Ordinance 91-19, 94-30, 99-15, 02-02)

**POLICY 59.1.5:** The county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 59.1.6:** The county will, through appropriate regulations, continue to provide standards for construction of artificial drainageways compatible with natural flow ways



and otherwise provide for the reduction of the risk of flood damage to new development.  
(Amended by Ordinance No. 94-30, 00-22)

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

**OBJECTIVE 60.3: LEVEL-OF-SERVICE STANDARDS.** Revise by 1996 the surface water management level-of-service standards for basins and sub-basins identified in the Surface Water Management Master Plan. These future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems. (Amended by Ordinance No. 94-30)

**POLICY 60.3.1:** The following surface water management standards are adopted as minimum acceptable levels of service for unincorporated Lee County (see Policy 95.1.3).

A. Existing Infrastructure/Interim Standard

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 Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

D. Regulation of Private and Public Development

Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest. (Amended by Ordinance No. 92-35, 94-29, 00-22)

**POLICY 60.5.5:** The County will continue to coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and /or credits for implementation of regional surface water management systems that address flood protection, water quality/ environmental enhancement and water conservation. (Added by Ordinance No. 03-06)

**POLICY 61.3.2:** Floodplains must be managed to minimize the potential loss of life and damage to property by flooding. (Amended by Ordinance No. 00-22)



**POLICY 61.3.3:** Floodways should be kept as unobstructed as possible.

**POLICY 61.3.5:** The county will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations. (Amended by Ordinance No. 00-22)

## **Conservation and Coastal Management**

**POLICY 105.1.4:** Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)

**POLICY 109.2.3:** By 1995, on-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs. (Amended by Ordinance No. 94-30, 00-22)

**GOAL 110: HAZARD MITIGATION.** To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 105.) (Amended by Ordinance No. 94-30)

**POLICY 110.1.1:** Regulations and incentives will be examined for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, floodproofing of utilities, and appropriate requirements for structural wind resistance and floodplain management.

**POLICY 110.1.5:** By 1995, the county will prepare and adopt a flood plain management plan. The plan will analyze the flooding problem of the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation. (Amended by Ordinance No. 92-35, 94-30, 00-22)

**POLICY 110.1.6:** Maintain the provisions of the Flood Plain Management Ordinance that interpret the 50% improvement threshold as cumulative for any improvement, modification, addition or reconstruction project to an existing building or structure identified as part of a repetitive loss property by the Federal Emergency Management Agency (FEMA). A repetitive loss property is defined as one for which two or more National Flood Insurance Program (NFIP) losses of at least \$1000.00 each have been paid since 1978. (Amended by Ordinance No. 92-35, 94-30)









STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

THADDEUS L. COHEN, AIA  
Secretary

August 19, 2005

The Honorable Doug St. Cerny  
Chairman, Lee County Board of County Commission  
P. O. Box 398  
Fort Myers, Florida 33901

RECEIVED  
AUG 22 2005

Dear Chairman St. Cerny:

COMMUNITY DEVELOPMENT

The Department has completed the review of the proposed amendment for Lee County (DCA No. 05-1), which was received on June 17, 2005. Based on Chapter 163, Florida Statutes we have prepared the attached report that outlines our findings concerning the amendment. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report outlines procedures for final adoption and transmittal.

The proposed Amendment (DCA No. 05-1) involves changes to the Future Land Use Map and the text of certain elements of the comprehensive plan. The Department has identified concerns with Amendment # CPA 2004-13, regarding the proposal to change the land use designation in the northeast quadrant of the intersection of I-75 and State Road 80 because the amendment will result in an increase in density in the coastal high hazard area. A concern is also raised to the text change pertaining to the transfer of development rights from Pine Island. The Department supports the concept of transfer of development rights from Pine Island to the mainland; however, the proposed policies do not establish a clear guideline in the plan that will direct the land development regulations and enable a better implementation of the program. We feel that the policies need further refinement.

The Department is committed to working closely with the County in responding to our report. Please feel free to call Bernard O. Piawah at 850-922-1810, if you have any questions.

Sincerely,

Mike McDaniel,  
Acting Chief, Comprehensive Planning

MM/bp

Enclosures: Review Agency Comments

cc: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council  
Mr. Paul O'Connor, AICP, Lee County Planning Director

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781

Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956



## TRANSMITTAL PROCEDURES

Upon receipt of this letter, Lee County has 60 days in which to adopt, adopt with changes, or determine not to adopt the proposed comprehensive plan amendment. The process for adoption of local comprehensive plan is outlined in Section 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the plan, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted plan directly to the Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b), F.S., which were effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted plan for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.



DEPARTMENT OF COMMUNITY AFFAIRS  
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT  
FOR  
LEE COUNTY'S COMPREHENSIVE PLAN  
AMENDMENT 05-1

August 19, 2005  
Division of Community Planning  
Bureau of Local Planning

This report is prepared pursuant to  
Rule 9J-11.010, F.A.C.



## INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Lee County's proposed Comprehensive Plan amendment, pursuant to Section 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of an approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the plan is resubmitted for our compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items that the County considers not applicable to its amendment. If that is the case, a statement, justifying its non-applicability, pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.



**OBJECTIONS RECOMMENDATIONS AND COMMENTS REPORT  
FOR  
PROPOSED COMPREHENSIVE PLAN AMENDMENT: 05-1**

**LEE COUNTY**  
(August 19, 2005)

**I. CONSISTENCY WITH RULE 9J-5, FLORIDA ADMINISTRATIVE  
CODE (F.A.C.), & CHAPTER 163., FLORIDA STATUTES (F.S.)**

**Introduction:** Lee County has proposed seven packets of amendments to its comprehensive plan, three of which involve changes to the Future Land Use Map, while the rest involve changes to the text of various elements of the plan. The Department has identified an objection to one of the FLUM changes (Amendment # CPA 2004-13) because the site is unsuitable for residential use due to potential flood hazards and the proposal will result in an increase in density in the coastal high hazard area. An objection is also raised to the text change pertaining to the transfer of development rights because the proposed policies do not establish a clear guideline for the implementation of the program.

**OBJECTION:**

**1. Case # CPA2004-13:**

**Land Use Suitability:** This is a proposal to change the land use designation of certain properties located within the southeast, southwest and northeast quadrants of the intersection of I-75 and State Road 80. The Department has no concerns with the proposed changes to the southwest and southeast quadrant.

With respect to the proposal to change the land use designation on 41.28 acres of land located in the northeast quadrant from General Commercial Interchange to Urban Community the public facilities analyses for the amendment did not quantify the impact of the proposal on schools. There is a general statement in the staff report that according to the School Board, the amendment will not have any impact on schools; however, it would be appropriate to show how the analysis of the impact on schools was derived in order to substantiate the statement. Above all, the proposal is inappropriate because the site is not suitable for the proposed designation. The subject site is located within the coastal high hazard area, and according to Map 9, of the Lee Plan, is within the 100-year floodplain that is subject to tidal flooding. This proposal has the potential to allow up to 412 dwelling units in this coastal high hazard area and would consequently expose a substantial population to the dangers of a hurricane and flooding. The proposal is, therefore, inconsistent with the state's requirement that comprehensive plans direct population concentration away from known or predicted coastal high hazard areas, and also inconsistent with the requirement that future land uses be



coordinated with appropriate topography, including flood prone areas. Lee Plan Policy 75.1.4 requires that the County limit the future population exposed to coastal flooding by assigning reduced density categories to properties within the coastal high hazard area. Goal 75 of the Lee Plan calls for the protection of human life and developed property from natural disasters, and Objective 75.1, mandates a reduced density for properties located within coastal high hazard areas. The proposed designation of Urban Community for this site is inconsistent with Objective 75.1 and Policy 75.1.4 and would not further Goal 75. The current designation of General Commercial Interchange that does not allow residential uses is clearly appropriate for this site and it is consistent with Policy 75.1.4, as well as with Objective 75.1, and furthers the intent of Goal 75.

Chapter 163.3177(6)(a), (g)7., & 8., Florida Statutes (F.S.); Rule 9J-5.003(17); 9J-5.006(2)(b), & (3)(b)1., (c)1., & (4)(b)6.; 9J-5.012(3)(b)5., & 6., & (3)(c)7., Florida Administrative Code (FAC).

**Recommendation:** It is recommended that the County not adopt the proposed amendment to the northeast quadrant.

## **2. Case # CPA2004-16:**

**Inadequate Guidelines:** The proposed Policy 14.6.3 states: "By 2007 Lee County will amend the Lee County Land Development Regulation to establish a Pine Island Transfer of Development Rights (TDR) program to supplement the existing wetland TDR program. The program will be open to properties depicted on Map 21 as well as other Pine Island lands deemed acceptable by the Board of County Commissioners."

The intent of this policy is to promote the transfer of development rights from Pine Island in order to help protect agriculture and the rural character of the island. However, the proposed policy does not establish meaningful and predictable guidelines that would direct the implementation of the program and, as well, guide the formulation of the guidelines and standards to be included in the land development regulations. Although reference is made in the policy to the properties depicted on a Map 21, no map labeled "Map 21" was included. A series of maps are included with the amendment showing various situations on the island; however, no statement is included in the policy to show that the existing agricultural areas shown on those maps are the targeted sending areas. In addition, the policy provides an open-ended discretion for other properties on the island "deemed acceptable by the Board of County Commissioners". This provision makes the determination of areas subject to the transfer program unpredictable. Furthermore, no guidelines for the rate of transfer are included. Lastly, the policy neither identifies the areas that would serve as the receiving lands, nor provide a general guide for their selection.

Chapter 163.3177(6)(a), F.S.; Rule 9J-5.003(90), 9J-5.005(6), 9J-5.006(3)(c)1., & 7., FAC.



**Recommendation:** Please, revise the policy to address all the issues raised in the above objection in order to provide sufficient guidance for the land development regulation and enable an effective and successful implementation of the program. The policy should clearly identify, on a map, the sending areas on the island based on appropriate and relevant data and analysis. Another alternative would be to include a sentence in the proposed Policy 14.6.3 indicating that no actual transfer will occur until more specific guidelines addressing the issues raised above are amended into the plan. Similarly, the receiving areas on the mainland should be clearly identified; alternatively, the County could establish a set of guidelines and criteria that shall be used for selecting the receiving areas. The receiving areas shall not be environmentally sensitive areas or located in the coastal high hazard areas.

## **II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

The proposed amendment does not adequately address and further the State Comprehensive Plan including the following goals and policies (163.3177(9):)

Coastal and Marine Resources Goal (8)(a) and Policies (b)3., & 6., regarding the subsidizing of development in the coastal high hazard area, and the encouragement of land and water uses which are compatible with the protection of sensitive coastal resources; and

Land Use Goal (15)(a) and Policy (b): 6., regarding the regulation of land uses;

**Recommendation:** Revise the proposed amendment, as indicated in the objections and recommendations of this report, in order to be consistent with the above goals and policies of the State Comprehensive Plan.



JUL 27 2005

Denise Purcell  
135 Meta Street  
Fort Myers, Fl, 33905  
July 25, 2005

9 MM  
7/27/05

Atten: Bernard Piawah  
Florida Dept. of Community Affairs  
Bureau of Local Planning  
2555 Shumard Oak Blvd.  
Tallahassee, Fl. 32399-2100

RE: Lee County Comprehensive Plan Amendment CPA 2004-13

Dear Mr. Paiwah:

I am writing to you since I am a resident of the area which this amendment effects. I want to urge you and the other members who decide on this issue not to approve this amendment. There are many reasons why the other residents and myself do not want this approved. I will try to be concise in my arguments for turning down this amendment but first let me give you a history of this proposal.

The reason that this amendment was drafted is because Leeward Yacht Club, (Dev-Pro Corporation), a Developer, initiated a small scale amendment CPA 2004-01 to the Lee County Commissioners Comprehensive Plan. They proposed that a 10 acre parcel of land located within the I-75 and State Road 80 Interchange area be re-designated from "General Commercial Interchange" to "Urban Community," in order that they might build 175 condominium units, a restaurant, and a 118 slip marina. According to Brandy Gonzalez of the Planning Division, after the staff reviewed the case in more detail; the Planning Division Staff did not find the proposal consistent with the Lee Plan. The Lee Plan placed the General Commercial Interchange category on this area after I-75 came through. This would mean that this category has been in existence for over 20 years! There is no reason to make an exception for a private developer on this parcel. The Lee Plan, as it stands now and for the past 20 years, is consistent with the ideology of the need for easy access at the interchanges. The State of Florida is already planning the expansion of I-75 in this area and the development of State Road 80 as a major east-west corridor only strengthens the argument for this parcel to remain in the General Commercial Interchange category.

In addition, there is the concern with this amendment increasing the population in a Coastal High Hazard Area. Lee County Policy 75.1.4 dictates reduced density categories to limit future population exposed to coastal flooding. This is consistent with the General Commercial Interchange category. Although the developer would like to convey the thought that nearby parcels are not categorized as Coastal High Hazard Areas and therefore, this property is not endangered; I would have to argue that it is classified this way for a reason. The property does flood in several areas after thunderstorms- let alone a tropical system such as Hurricane Donna, which flooded a great portion of the property with over 4 feet of water. The Lee County Mosquito District pilots fly directly overhead this property and have noted significant flooding numerous times. There are several witnesses who have seen photos and know the exact location of these low lying areas. This parcel should remain as GCI category to preserve the intent of Lee County Policy 75.1.4.

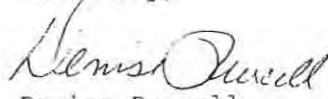
Additionally, there is the issue of the endangered manatee which frequents this area of the Orange River. Laura Combs, the representative of Save the Manatee Club's Southwest Regional office, gave testimony of the large impacts this amendment will make. There was significant lack of analysis concerning this issue and further studies should be conducted before any consideration is given to this amendment. The idea that manatees do not frequent this area and therefore not a concern is ludicrous. Not only have my neighbors and I witnessed the manatees in our canal; but the operations of Manatee World tour boats operate from the parcels in question. Further, it is the intent of Dev-Pro Corporation to build a watch tower on the point of land as an observation point to view manatees. I am confident that you are fully informed on the federal and state issues regarding the protection of the manatees in Florida waters.



Also, there is the issue of the increasing traffic in this residential community. There is only one entrance road into our neighborhood - via Louise Street. If you approve this amendment, it will mean construction trucks and work crews traveling down this one access road. Our three granddaughters who reside with us have their bus stop right at the corner of Louise Street and the Hanson Marina entrance. As you can imagine, the idea of this enhanced traffic flow and type of vehicles will be creating a hazardous situation. The safety of the neighborhood children will be jeopardized and the liability for this dangerous situation will rest squarely on the State of Florida and Lee County if approval of this amendment is granted. Our neighborhood already realizes a back up of vehicles waiting to travel south on I-75. The vehicles are stopped east of our intersection at Louise Street and State Road 80 every weekday. The turning lane providing access into our neighborhood when you travel from the west to east can only accomodate three vehicles at most. How is this turning lane going to provide access to the construction trucks and crews? It cannot without backing up into State Road 80 and delaying the flow of traffic at the I-75 interchange. None of these issues have been studied or thought out. It is my understanding that Aim Engineering has been surveying the Interchange. It would be prudent to defer any decisions on this matter at this time until your office has had a chance to review this situation.

Further, it is my understanding that the Florida Department of Environmental Protection is studying the ecological impact of this parcel due to over 40 years of a commercial marine operation. As you are probably aware of, lead based paints from boats, toxic solvents, etc.. have impacted this parcel virtually uninhabitable. The clean-up process of the soil, the containment of runoff waters into the Orange River, previous destruction of environmentally protected mangroves, etc.. should all be handled prior to any approval of this amendment. These issues are not exclusive of this proposal but rather an integral part of any consideration for changes to the catogory of this parcel. Your department's decision will not only affect our neighborhood and the quality of life for us; but also the State's responsibility as a caretaker of its waterways and land. I strongly urge you to not approve this amendment at all and I would appreciate your department coordinating with the other Florida State agencies into reviewing other possibilities for this land use. Other people have suggested that Lee County purchase this land and utilize it as a rest stop area for people traveling I-75. There is significant historical value to the land in addition to the landscaping already in existence. The continuing need for Lee County to provide boaters with access to the waterways is a major concern here. The land could meet several needs of both the State of Florida and Lee County in this capacity. I want to thank you for your attention to this letter and allowing me to voice my arguments to disapprove of this amendment.

Sincerely,

  
Denise Purcell



Bob Dennis/DCA/FLEOC  
07/19/2005 03:59 PM

To Bernard Piawah/DCA/FLEOC@fleoc  
cc  
bcc  
Subject Fw: Lee County 05-1 CPA

----- Forwarded by Bob Dennis/DCA/FLEOC on 07/19/2005 03:59 PM -----



john.czerepak@dot.state.fl.us

07/19/2005 02:10 PM

To Mike.McDaniel@dca.state.fl.us  
cc Bob.Dennis@dca.state.fl.us,  
Richard.Oujevolk@dot.state.fl.us  
Subject Lee County 05-1 CPA

Mike, FDOT has reviewed the above amendment package and has the following comments.

CPA 2004-08

This amendment would redesignate approximately 45 acres of a 303 acre tract located north and east of Bayshore Rd, south of I-75 and east of Williams Road. The changes would increase the potential residential development on the site by 47 units. No significant impacts to the Department are anticipated.

CPA 2004-09

This amendment would reinforce density limitations on Captiva Island. No significant impacts to the Department are anticipated.

CPA 2004-12

These are text amendments which incorporate recommendations of the Boca Grande Community Planning effort. No significant impacts to the Department are anticipated.

CPA 2004-13

This amendment would redesignate approximately 39 acres located in the southwest and southeast quadrants of the I-75/SR 80 Interchange from Intensive Development, Suburban, and Urban Community to General Commercial Interchange. This would increase the potential commercial development in the southwest quadrant from 100,000 square feet to 130,000 square feet. The Lee County DOT has commented that since both quadrants are already partially developed the actual potential for additional commercial development is 20,000 square feet. They go on the state that this would add an additional 80 trips in the PM peak which would not result in a significant impact at the systems level. FDOT concurs with this assertion, however it should be noted that the Department is currently in the process of re-evaluating the proposed interchange at SR 80 and I-75 which is under design. This re-evaluation may result in additional right of way requirements and modified traffic circulation patterns in the vicinity of SR 80/I-75 interchange. This may impact both existing and future development in that area.



CPA 2004-14

These are text amendments to limit future population that would be exposed to coastal flooding. No significant impacts to the Department are anticipated.

CPA 2004-16

This amendment includes text amendments and the redesignation of approximately 157 acres located on Pine Island in the Bookeelia area, south of Barraccas Ave and north of Pinehurst Road from Coastal Rural to Outlying Suburban. No significant impacts to the Department are anticipated.

John Czerepak  
Growth Management Coordinator  
863-519-2343, SC 557-2343  
john.czerepak@dot.state.fl.us

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.





Jeb Bush  
Governor

# Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard, MS 47  
Tallahassee, Florida 32399-3000

Colleen M. Castille  
Secretary

9 MM  
7/18/05

July 15, 2005

Mr. D. Ray Eubanks  
Plan Review and DRI Processing Team  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

RE: Lee County 05-1, Comprehensive Plan Amendment Comments

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed the proposed Comprehensive Plan Amendments under the procedures of Chapter 163, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*, and we offer the following comments and recommendations for the proposed amendments:

## CPA 2004-08

The proposed amendment would change the Future Land Use designations for two parcels – changing the designation of a 27.25 acre parcel from “Rural” to “Suburban and changing the designation of a 17.81 acre parcel from “Suburban” to “Rural”.

### **Comments:**

The proposed amendment sites both contain several disturbed wetlands, and are underlain by poorly drained soils (EauGallie Sand; Valkaria Fine Sand; Immokalee Sand; Valkaria Fine Sand, depressional; Smyrna Fine Sand; Myakka Fine Sand, depressional). The best data available to the Department indicates that the proposed location has a high recharge rate to the Surficial Aquifer (200-226 on the DRASTIC Index).

### **Recommendations:**

Because the site is underlain by poorly drained soils, has a high recharge rate to the Surficial Aquifer, and drains to the Caloosahatchee River and locally managed conservation areas, the Department has concerns regarding the proposed intensity/density of use on the “Suburban” designated parcel. We recommend that the project applicant(s) consider a full range of planning strategies to limit impervious surfaces and buffer wetland areas to protect groundwater and nearby surface water resources.



Ray Eubanks  
July 15, 2005  
Page 2

As to the proposed impacts to onsite wetlands, the Department emphasizes avoidance and minimization of wetlands impacts prior to the consideration of mitigation in accordance with the requirements of Section 4.2.1 of the SFWMD Basis of Review for ERP applications.

Thank you for the opportunity to comment on these proposals. If I may be of further assistance, please call me at (850) 245-2182.

Sincerely,

*SJC*

Sylvia J. Cohen  
Program Specialist  
Office of Intergovernmental Programs

/sjc





## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574  
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

GOV 08-16

July 19, 2005

Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100



9 MM  
7/22/05

Dear Mr. Eubanks:

**Subject: Proposed Amendment Comments  
Lee County, DCA# 05-1**

South Florida Water Management District staff has completed its review of the subject document and we have no adverse comments. If you have any questions or require additional information, please contact me at (561) 682-6779.

Sincerely,

P.K. Sharma, AICP  
Lead Planner  
Planning & Resource Evaluation Division

PKS/jl

c: David Burr, SWFRPC  
Paul O'Connor, Lee County  
Mike McDaniel, DCA

### GOVERNING BOARD

Kevin McCarty, *Chair*  
Irela M. Bagué, *Vice-Chair*

Alice J. Carlson  
Michael Collins

Lennart E. Lindahl, P.E.  
Harkley R. Thornton

### EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*





FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

9 MM

7/19/05



Mr. Ray Eubanks  
Department of Community Affairs  
Bureau of State Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

July 14, 2005

Re: Historic Preservation Review of the Lee County (05-1) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We reviewed proposed text and map amendments to the Lee County Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that many of the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that none of the proposed revisions will have an adverse effect on significant archaeological or historic resources in Lee County.

Amendment CAP2004-12 will certainly help to protect and preserve significant historic resources on Boca Grande. The county should be commended on their sensitive treatment of historic resource concerns. For Amendment CPA2004-13, we note that the NE quadrant of this amendment has recorded historic structures, some of which this agency has determined to meet National Register criteria. Furthermore, a large portion of this amendment area falls within the archaeological high probability zone. The most effective way to guarantee that such sites are not adversely affected is for the county to sponsor or require historic resource surveys so that it can ensure its archaeological resources and historic structures fifty years of age or older will be considered when substantive changes in land use are proposed.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

*for* 

Frederick Gaske, Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office  
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research  
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation  
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums  
(850) 245-6400 • FAX: 245-6433

☐ Southeast Regional Office  
(954) 467-4990 • FAX: 467-4991

☐ Northeast Regional Office  
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office  
(813) 272-3843 • FAX: 272-2340



TO: BERNARD PIAWATT

FROM: LAURA COMBS

RE: LEE COUNTY LARGE SCALE  
COOP PLAN AMENDMENT  
COMMENTS.

13 PAGES.

Thank you!





# Save the Manatee Club

20 Years of Protecting Manatees

July 28, 2005

Mr. Bernard Piawah  
Florida Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Dear Mr. Piawah:

The Lee County Board of County Commissioners has transmitted their proposed large-scale comprehensive plan amendment CPA2004-13 to the Department of Community Affairs for review. The proposed amendment is inconsistent with the Lee Plan in that it does not adequately consider manatee protection needs in relation to the Hansen Marina/Manatee World (also known as Leeward Yacht Club) parcel in the Northeast quadrant of the amendment. For this reason, Save the Manatee Club strongly urges the Florida Department of Community Affairs to **Object** to the proposed Lee County comprehensive plan amendment.

I have enclosed the Lee County planning staff report on the Leeward Yacht Club property to assist with identifying the property and the concerns related to it. The staff report does not discuss manatee concerns, but it does discuss many other concerns, including the staff's objection to increasing density in the Coastal High Hazard area, which may assist with your review.

The Leeward Yacht Club parcel borders the Orange River. The Florida Power and Light warm water discharge empties into the Orange River and has served as a warm water refuge for over 400 manatees on a single day. Suzanne Tarr, who formerly directed manatee photo identification for Florida Fish and Wildlife Conservation Commission, conducted winter photo I.D. work at Manatee World during the afternoons due to the high numbers of manatees in the basin as opposed to the FPL discharge canal upstream.

The Leeward Yacht Club is a proposed condominium/private marina facility with 118 boat slips proposed. The existing Hansen Marine Ways is a dilapidated facility, with many wet slips unoccupied and/or unusable. The wet slips that are occupied are used by 49 liveaboards, which stay moored for prolonged periods and leave the dock very infrequently. If the proposed comprehensive plan amendment is approved and the proposed Leeward Yacht Club is permitted and developed, boating traffic and the threats to manatees will increase substantially, especially during the most crucial cold weather periods when manatees are taking refuge in the warm water of the Orange River.

I have provided a **very brief** overview of manatee use of the Orange River. Lee Plan Policy 77.4.3 "Require[s] detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern." The



developer has not provided any inventory or assessment of the impacts of development on the endangered Florida manatee and its habitat. The developer's consultant provided one brief paragraph discussing manatees (enclosed), which in no way fulfills the requirement of Policy 77.4.3.

The proposed amendment is also in conflict with Lee Plan Objective 77.7: West Indian Manatees. This objective states: "Minimize injuries and mortality of manatees to maintain the existing population by encouraging the adoption by the state of Florida and local governments of regulations to protect the West Indian Manatee in the Caloosahatchee and elsewhere in Lee County." The Orange River is a tributary to the Caloosahatchee River, and the Caloosahatchee River is arguably the most deadly waterway in Florida for manatees due to boat collisions. If the proposed plan amendment is ultimately found in compliance and the project is built, the threats to manatees will increase unacceptably, as discussed above, which is inconsistent with Objective 77.7.

Thank you for your consideration of this important matter. Please notify me of the Department's finding or contact me at the following address and phone number if I can be of any assistance:

Save the Manatee Club  
P.O. Box 08681  
Fort Myers, Florida 33908  
(239) 425-1541

Sincerely,



Laura R. Combs  
Southwest Regional Coordinator

Enclosures

cc: Governor Jeb Bush  
Colleen Castille, DEP  
Ken Haddad, FWCC



**Previous staff report:**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-01**

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Adoption</b>
	<b>Board of County Commissioners Re-Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: March 21, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEEWARD YACHT CLUB, LLC  
REPRESENTED BY MATTHEW UHLE, ESQ.

**2. REQUEST:**

Amend the Future Land Use Map series for a specified ten acre portion of a parcel of land located in Section 34, Township 43 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "General Commercial Interchange" to "Urban Community."

**3. SUMMARY DISCUSSION**

The applicant, Leeward Yacht Club, LLC., is requesting a small scale change of land use designation on the Future Land Use Map from "General Commercial Interchange" to Urban Community" for an approximate 10 acre specified area of land. The site is located within the northeast quadrant of the State Road 80 and I-75 Interchange in Section 34, Township 43 South, Range 25 East. The General Commercial Interchange does not permit residential units and is primarily for community commercial land uses, while the Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre), with up to 10 units per acre (10 du/acre) if bonus density is utilized. If the amendment is approved the allowable density would be an increase of up to 100 permissible units.



**B. BACKGROUND INFORMATION****1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 10 ACRES

**PROPERTY LOCATION:** The subject property is located in the northeast quadrant of the State Road 80 and I-75 Interchange.

**EXISTING USE OF LAND:** The subject property is currently a marina and vacant land.

**CURRENT ZONING:** AG-2 and IM

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** General Commercial Interchange

**2. INFRASTRUCTURE AND SERVICES**

**WATER & SEWER:** The subject property is located in the Lee County Utilities franchise area for potable water and sanitary sewer service.

**FIRE:** The property is located in the Tice Fire District.

**TRANSPORTATION:** Access to the property is via Louise Street from State Road 80.

**SOLID WASTE FRANCHISE:** Florida Recycling Services

**C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** Planning staff recommends the proposed amendment not be adopted. Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to change the future land use designation of the subject area from the "General Commercial Interchange" land use category to the "Urban Community" land use category.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The property is located within the Coastal High Hazard Area (CHHA) and will be increasing density in the CHHA as delineated by the Southwest Florida Regional Planning Council.
- The intent of the applicant is to develop the subject property with 100 mutli-family dwelling units.
- Policy 5.1.2 prohibits residential development where hazards exist that may endanger the residential community.
- Goal 75 promotes the protection of residents and developed property from natural disaster and encourages the reduction of densities within the CHHA.



- Goal 76 of the Lee Plan limits public expenditures in the CHIA.
- The parcel is currently surrounded by the General Commercial Interchange future land use category, a category that does not permit residential dwelling units.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "General Commercial Interchange" to "Urban Community" for an approximate 10 acre specified area of land. The site is located in the northeast quadrant of the State Road 80 and I-75 Interchange between the Dos Rios subdivision and the Manatee World marina in Section 34, Township 43 South, Range 25 East. The property is known today as Hansen Marine Ways. If the amendment is approved the allowable density would increase from a category where no dwelling units are permitted to a possibility of 10 du/acre, an increase of 100 permissible units.

The Comprehensive Plan Amendment Application, Staff Insufficiency Letter, and Applicant Supplementary Information are attached as Attachment 1.

#### **PROJECT SUMMARY**

The applicant is proposing the amendment in order to allow for the development of residential units at the subject site. Currently a marina exists on the northern portion of the site along the Orange River. The remainder of the site is vacant. The subject area is part of a larger property (approximately 22 acres) that is currently under staff review for a rezoning to MPD. Residential use of the property is contingent upon the plan amendment.

Initially the applicant provided an application requesting a land use change from General Commercial Interchange to the Central Urban future land use category. After several discussions, staff concluded that the request to Central Urban was not consistent with Chapter 163.3187(1)(c) Florida Statutes, relating to small scale plan amendments. The statute provides that a small scale amendment may only be adopted under certain conditions. One of those conditions states that if the amendment involves a residential land use, the residential land use must have a density of 10 units or less per acre. The Central Urban land use category permits up to 15 du/acre as a maximum density when bonus density is utilized, while the Urban Community land use category permits up to 10 du/acre when bonus density is utilized. Following discussions with staff, the applicant resubmitted an application requesting the proposed Urban Community land use category that is under review today.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was designated General Commercial Interchange and has remained in this land use category to date. The General Commercial Interchange descriptor policy has also remained consistent and is reproduced below:



*POLICY 1.3.3: The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.*

The subject property is located in the northeast quadrant of the State Road 80 and I-75 Interchange where the General Commercial Interchange category is the predominant designation for this quadrant.

#### **ADJACENT ZONING AND USES**

The subject area is zoned IM and AG-2. The surrounding properties are zoned AG-2 and MH-2 to the north, CM to the east, RS-1 to the west, and CPD directly across State Road 80 to the south. The subject area is surrounded by properties developed with several types of uses. To the north and across the Orange River is the Orange Harbor mobile home park, to the east the Manatee World marina, immediately to the south State Road 80, gas stations, and the Sun-N-Fun mobile home park, and to the west the Dos Rios single family subdivision.

#### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

The request is to change the Future Land Use Map (FLUM) category of approximately 10 acres from General Commercial Interchange to Urban Community. The General Commercial Interchange category does not permit residential units. The Urban Community category standard density permits up to 10 du/acre if bonus density is utilized. The applicant's representative has noted that the intent is to develop the property with a density of 10du/acre. This means that a maximum of 100 dwelling units could be constructed on the property under the Urban Community designation. This could result in an increase in the population accommodation capacity of the map by 209 persons (100 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

#### **CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY**

The applicant is proposing that the subject parcels land use designation be amended to Urban Community. The Urban Community areas are described by Policy 1.1.4. Policy 1.1.4 is reproduced below:

*POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

The proposed amendment is consistent with the Urban Community designation for the following reasons: it is located near the designated future urban area of Fort Myers; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; residential development is listed as one of the predominant land uses in the Urban Community category.

While the subject parcel is also consistent with a majority of the Lee Plan's Residential Land Use requirements of Goal 5, staff finds that the proposal cannot be found consistent with Policy 5.1.2 due to the fact that the property is located within the Coastal High Hazard Area. Policy 5.1.2 is reproduced below:



*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 soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

This policy prohibits residential development where hazards exist that may endanger the residential community. This inconsistency is discussed further under the Coastal issues section of this report.

#### **MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)**

The subject area is located within the Planning Community of Fort Myers Shores. In this community there are 633 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 275 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 358 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020.

#### **TRANSPORTATION ISSUES**

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated March 18, 2005 (see Attachment 2). The Department of Transportation has concluded that "this land use change will not alter the future road network plans." DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion.

Planning staff notes that a traffic analysis is required by the County's local development approval process. This analysis determines the need for any site-related improvements such as turn lanes on the adjacent roadways.

#### **PUBLIC SAFETY ISSUES**

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also received memos from providers giving some additional analysis.

##### Emergency Management - Hurricane Evacuation/Shelter Impacts

The proposed amendment will be increasing density in the Coastal High Hazard Area. Staff from the Lee County Division of Public Safety have provided written comments to planning staff, dated March 25, 2004, concerning the proposal (see Attachment 3). The memo provides the following:

*"This Development is located in a Tropical Storm Evacuation Zone. In accordance with the National Weather Service storm surge 'SLOSH' model, this area will receive storm surge flooding from a Tropical Storm. Therefore, the provisions of Lee County Ordinance 00-14, Land Development Code, Article XI, Sec. 2-481 through 2-486, Hurricane Preparedness that requires shelter and evacuation route impact mitigation for residential developments are required."*

##### Sheriff's Office Impact

The Lee County Office of the Sheriff has reviewed the proposal and provided written comments to the applicant dated January 2, 2004 (see Attachment 1). This correspondence provides that "it is the policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs."



**Fire Service Impact**

The subject parcel is within the Tice Fire District. The District has reviewed the proposal and provided written comments to the applicant dated February 4, 2004 (see Attachment 1). The Department provides the following:

*"In regards to the above-referenced property, Tice Fire District has no objections to the proposed amendment at this time.*

*We will request and anticipate incorporating any of our needs between the developer and our District as the development of the project proceeds."*

**SCHOOL IMPACTS**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated March 16, 2005 (see Attachment 4). District staff conclude that "The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Leeward Yacht Club MPD developers will be expected to pay the impact fee at the appropriate time."

**SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified one soil type present on the subject parcel - 28 Immokalee sand.

Immokalee sand is a nearly level, poorly drained soil in flatwoods areas with smooth to convex slopes ranging from 0 to 2 percent.

**ENDANGERED SPECIES**

The applicant has provided a vegetation map, a soils map, and an endangered species report as part of their application submittal materials. The endangered species report states that "no listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey." Environmental Sciences staff have offered no comments in objection to the proposed amendment.

**PARKS, RECREATION AND OPEN SPACE**

Staff of the Lee County Public Works have reviewed the request and provided written comments dated March 18, 2005 (see Attachment 5). This memorandum provides the following:

*"The change has the potential to result in an additional 100 dwelling units. The subject parcel is located in Community Park Impact Fee District 3. It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, some consideration should be given to the fact that approval of this amendment may very well result in yet another loss of waterfront access to the citizens of Lee County."*

**DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following concerning this issue:



*"The property is located within the Caloosahatchee River Watershed. The proposed project will be required to obtain an Environmental Resource Permit from the South Florida Water Management District (SFWMD) for construction and operation approval, and will require compliance with the Lee County's Level of Service Policy 70.1.3 for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (2001/2002 - 2002/2003), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE."*

Natural Resources staff have offered no comments in objection to the proposed amendment.

#### **MASS TRANSIT**

Staff from the Lee County Transit Division have reviewed the request and provided a memo dated March 13, 2005 (see Attachment 6). The memo provides that *"public transportation services in this area are currently sufficient and services as stated in the 5 year Transit Development Plan would remain sufficient for the proposed change."*

#### **UTILITIES**

The property is located within the Lee County Utilities service area for both waste water and potable water service. Regarding waste water service, the applicant has provided that *"the closest point of service is at the intersection of Louise Street and SR 80, where LCU has a regional sewer pumping station which pumps waste water from eastern Lee County to the City of Fort Myers. A large capacity 36-inch gravity sewer system composed of two manholes delivers waste water from a 24" force main into the pumping station."* The discussion provides that *"based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM."* The discussion concludes that no improvements will be necessary to service the additional demand and the amendment will not require any revisions to the sanitary sewer sub-element or CIE.

Regarding potable water service, the applicant has provided that *"the closest service line is at the corner of SR 80 and Louise Street (20" water transmission main)."* The discussion provides that *"based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM."* The discussion concludes that no improvements will be necessary to service the additional demand and the amendment will not require any revisions to the water sub-element or CIE.

Staff of Lee County Division of Solid Waste offered no comments in objection to the proposed amendment.

#### **COASTAL ISSUES**

As noted earlier in this report, the majority of the subject property is located in the "Coastal High Hazard Area" (CHHA) as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in an "AE8" flood zone. The required base elevations to the first habitable floor are 8 feet depending on the specific parcels location.



The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the subject property is located within the Tropical Storm and Category 1 storm surge zone with the southernmost portion of the property located within the Category 2 storm surge zone. Additionally, the property is located in the SWFRPC Tropical Storm evacuation zone. The proposed development will be increasing density in the CHHA as delineated by the Southwest Florida Regional Planning Council. The Lee Plan defines the CHHA as follows:

*COASTAL HIGH HAZARD AREA - The category 1 evacuation zone as delineated by the Southwest Florida Regional Planning Council. (Added by Ordinance No. 94-30, Amended by Ordinance No. 99-17)*

The Lee Plan contains several policies describing hazardous constraints and residential development. Policy 5.1.2 which was reproduced earlier in this report prohibits residential development where hazards exist that may endanger the residential community. Goal 75 specifically addresses development in the CHHA:

*GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)*

*OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

*POLICY 75.1.4: Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

Goal 75 promotes the protection of residents and developed property from natural disaster, while its objectives and policies encourage the reduction of densities within the CHHA in order to limit the future population exposed to coastal flooding.

Goal 76 of the Lee Plan limits public expenditures in the CHHA and Objective 76.1 limits expenditures to existing residents:

*GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)*

*OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES. Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*



## **B. CONCLUSIONS**

While the proposed amendment is consistent with Policy 1.1.4, the Urban Community future land use descriptor policy, the amendment is not consistent with several of the Lee Plan's Goals, Objectives, and Policies addressing residential development in the CHHA. The intent of the applicant is to develop the subject property with 100 multi-family dwelling units. The parcel is currently surrounded by the General Commercial Interchange future land use category, a category that does not permit residential dwelling units. Staff recognizes that existing land uses north and west include residential uses also existing within the CHHA but it is also important to note that these particular developments have been in existence prior to the Lee Plan. Staff notes that the Dos Rios subdivision to the west of the subject property is currently not in conformance with the General Commercial Interchange category. This subdivision is subdivided into 19 lots on approximately 6 acres, making this subdivision within the parameters of the Outlying Suburban density range. This area is part of a pending plan amendment that will address existing non-conforming uses in the interchange area.

If approved, staff estimates that the proposed Urban Community designation would allow 100 dwelling units to be built in the subject area where no units are allowed under the current interchange designation. Staff finds that Lee Plan policies with regard to residential development in the CHHA do not support the approval of the proposed plan amendment. Lee Plan policies prohibit residential development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. Therefore, staff cannot recommend approval of the proposed amendment for the purpose of increased residential development.

Staff would also like to note for discussion purposes that the subject site is also located within an area designated by the Lee Plan as a water dependent overlay (Lee Plan Map 12, Page 3 of 12). As mentioned previously in this report the existing use of the property is a marina. Lee Plan Policy 98.1.2 specifically describes the water dependent overlay designation over existing commercial marinas protecting their right to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. If the proposed amendment is approved and the rezoning application currently under review moves forward to a public hearing, the water dependent overlay status of the parcel must be addressed as part of that public hearing to remove the property from the overlay.

In addition, staff has also reviewed Goal 21, Caloosahatchee Shores, and have found that the proposed amendment does not contradict the goals of the community.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, not be amended to redesignate the future land use of the subject area from the "General Commercial Interchange" land use category to the "Urban Community" land use category. This recommendation is based upon the previously discussed issues and conclusions of this analysis.



**Southern Biomes, Inc.****Division of Environmental Services**

1602 Woodford Ave., Ft. Myers, FL 33901

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

**Endangered Species Survey Results and Conclusion:**

No listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey. However, the giant leather ferns were found within the tidal portion of the wetlands and will not be impacted by any proposed development. During other site visits there were wading birds observed along the edges of the Orange River waterfront, and on the uplands adjacent to it. These birds consisted of two little blue herons and one snowy egret. No other species were observed, but species which might be expected to be found during some portion of the year are alligators, manatees, white ibis, tricolor heron, woodstork, and possibly a kestrel.

It should be noted that the Orange River has one of the largest populations of wintering West Indian manatees (*Trichechus manatus*) in the State of Florida. This is attributed to the Florida Power and Light Company discharging warm water into the river from their power generator cooling facilities. During cold weather the manatee migrate up the Caloosahatchee River to seek warmth from this artificial heat source. Therefore, we can also assume that manatees will venture into the marina areas during warmer periods. Any proposed activity associated with the Marina will require a manatee protection plan as part of the permit application.

PLEASE REFERENCE LEE PLAN  
POLICY 77.4.3 FOR INCONSISTENCY





5601 Palm Beach Boulevard  
Fort Myers, Florida 33905  
Office: 239.693.8122 Fax: 239.693.8522

To: Brandy Gonzales  
Company: Lee County Planning  
Fax Number: \_\_\_\_\_  
From: Pat Riley  
Date: 6-18-04  
Subject: analysis for plan amendment transmitted  
Number of Pages: 3  
Instructions/remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**CONFIDENTIALITY NOTES:** The information in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this telecopy is strictly prohibited. If you received this telecopy in error, please notify us immediately by telephone or the return of this original message. Thank you.



## Comparison of the Hwy. 80 Interchange with the other Lee County Interstate 75 Interchanges

There are nine (9) Interstate 75 interchanges in Lee County. The interchanges involve county and state roads that are primarily east-west travel routes. The State Routes are Hwy. 78, 80 and 82. The interchanges are Bayshore (78), Palm Beach(80), Lockett, Martin Luther King Blvd(82), Colonial, Daniels, Alico, Corkscrew and Bonita Beach Road.

This analysis is based on the review of 2002 aerial photos covering each interchange and the ground truthing of each interchange to review the current uses and status. Each quadrant of the interchanges has different uses currently. In many instance the land type is similar. Many of the quadrants were originally existing farm fields or native pine flat woods with exotics or native vegetation.

Of the 36 quadrants of interstate interchanges in Lee County, the following uses are currently in place. Many of the use are on the same quadrant. Many of uses are in a complex of similar uses such as many fast foods grouped together with two or more gas stations.

Residential in 4 quadrants

Gas Station in 5 quadrants

Restaurants in 7 quadrants

Retail or Shopping Centers/Malls in 8 quadrants. This includes RV sales , Heavy Duty Equipment Sales/Service, Home Depot, and Coca Cola Bottling Depot.

Motel/Hotel in 4 quadrants

Commercial marina

Municipal Water Plant

Sports/Entertainment Arena

Interstate Rest Stop

Seventeen(17) of the 36 quadrants are not fully developed.

Eight (8) of the quadrants are vacant. Most of these are old farm fields.

There appears to be both adequate interstate user services and community commercial represented in the current uses in the nine interchanges. It is anticipated either further development of tourist and community service will occur. The Daniels and Colonial interchanges are the main gateway to the area including Cape Coral , Fort Myers and the Regional Airport and have developing restaurant, hotel and retail operation. None of the quadrants are unique in their land type or historic use. The vacant farm field quadrants are predominantly towards the south of the county where the growth in both residential and commercial development is currently proceeding.



The proposed comprehensive plan amendment involves the Hwy 80 interchange. The I-75/Hwy 80 Interchange is the second to the south on entering Lee County. It is directly south of the I-75 Bridge over the Caloosahatchee River. At this interchange there is currently a hotel, two restaurants, 2 gas stations, residential involving both single family homes and large mobile home parks, a commercial marina and eco-tourism business.

The Northeast quadrant of the Hwy 80 interchange is unique in land type and use. The quadrant involves the only waterfront property with a historic commercial marina near an interchange. The water access facility has been in place since the 1890 on the Orange River. The property is currently zoned Industrial Marine and Commercial Marine. The comprehensive plan has designated the property with a Water Dependent Overlay. The property has native vegetation of the "Old Florida" large oak and palm hammock type. The property is not appropriate for high commercial use such as shopping malls or outlet stores. The designation of Central Urban or Urban Community would be more appropriate and consistent with existing use, land type, and surrounding residential uses. These designations would allow mixed use development of the property congruent with the existing uses, the surrounding residential area and the historic water access.



☐ First Class Mail  
☐ Inter-Office

TIME-SAVER LETTER

This form is designed to make it easy for you to reply.  
Simply note your answer in the space provided. Keep one  
copy for your files and return the other to us. Thank you.

LEE COUNTY ATTORNEY'S OFFICE

RECEIVED  
REPLY  
JUN 08 2005  
DATE

COMMUNITY DEVELOPMENT

Brandy Longley  
Planning

MESSAGE

DATE

6-8-05

Brandy,

Please include Vincent  
& Eileen Brennan on the list of  
people participating in  
the comp plan process so  
DCA can send them a notice of intent.  
Thanks,  
Ant Poole



COMMISSIONER

MAY 26 2005

243 Connecticut Ave  
Fort Myers FL 33905

May 24, 2005

JOHN ALBION

From: Vincent and Eileen Brennan  
To: Commissioner Albion  
Re: Future land use of CPA 2004-13

Dear Commissioner:

You are having a meeting next Wednesday, June 1<sup>st</sup> to rule on changes in the Future Land Use Map. We are sending this information before the meeting so you will have time to assess it before you have to make a decision.

We have lived in the Northwest quadrant of the I 75-SR 80 interchange for 15 years and we are concerned about future plans for the North East Quadrant. The existing Future Land Use Map designates it General Commercial Interchange. If you look at the aerial map (enclosed) you will see that the NE quadrant has extensive scenic water frontage. To use this very precious property as a commercial interchange, for people who are just passing through, seems a waste of Lee County assets and does not make sense to us. There are other interchange quadrants better suited to serve through traffic.

Also on the aerial map you can see that most of the property is a virgin wooded area with trees that were there long before Thomas Edison brought his boat to the small marina there. It has beautiful old oaks and palms that should not be used to dot the parking lots of fast food restaurants, gas stations, and businesses you find in an interchange area. We feel strongly that General Commercial Interchange is not appropriate use of this land.

We think Central Urban allowing 10 units per acre (bonus up to 15) would be too high a density for this area.

It seems Urban Community allowing up to 6 units (10 bonus) would be more compatible with the homes on the west side of the woods that have been there since before I 75 cut through their development, and would make better use of the assets of this property.

The issue of flooding has been used to oppose residents living on this land because it is designated "Coastal High Hazard" on the flood maps. Morse Shores, located on the river west of I 75 on the aerial map, has been there for 48 years and Orange Harbor, located across Orange River on the East of the aerial map, has been there 37 years. They have never been seriously flooded, nor have we been evacuated or had our streets closed because of flooding. From firsthand experience we can tell you "Coastal High Hazard" covers a multitude of variations and is a threat on paper only in this area.



As far as manatees are concerned, people who live on water with manatees love them, and are very careful of them.

We hope that you will find that for future land use, the North East Quadrant should be designated Urban Community, because all interchanges are not created the same, nor should all quadrants in an intersection be treated the same.

We think it would be wise to set a precedent that if an area has natural resources like an extensive waterfront and beautiful wooded properties, it should be used for people who live in Lee County and not just for people passing through.

Thank you, we appreciate you considering our concerns.

Sincerely,

Eileen Brennan and  
Vincent Brennan

Enclosure (1) Aerial Map generated by Lee County DCD/Planning, April 2005

cc: BOCC





Generated: April 2005  
Source: Lee County DCD/Planning

□ Study Area

I75 - SR 80  
interchange



LEE COUNTY  
SOUTHWEST FLORIDA  
PLANNING



**RECEIVED**  
JUN 08 2005

*Manalga  
WLD.*

MEMORANDUM  
FROM  
THE OFFICE OF  
COMMUNITY DEVELOPMENT COMMISSIONER JOHN E. ALBION, DISTRICT #5

TO: *Pete Eckenrode*

DATE: *6-7-05*

FROM: John E. Albion, District 5

RE: See Attachment

☒

For Your Information Only.

☐

Please provide this office with an update on this issue.

☐

Please provide a response for my signature.

☐

Please respond directly to constituent on my behalf and provide a copy of your response to this office.

☐

Please provide my office with a copy of your response to the constituent

☐

Please prepare a Blue Sheet for the next BOCC Agenda.

☐

Please prepare a Resolution from the Board of County Commissioners.

☐

Please provide the necessary information being requested:

☒

Other comments:

*Do you know anything  
about this?*

JE:cb

cc:



JUN 06 2005

To Whom It May Concern

Subject: Development Manatee World and Hansen Marine Wagon JOHN ALLEN

I do not support the plans that DevPro Inc. has for these properties. I do not own a home or business nearby them. I have no way to financially gain from whatever happens to these properties. I am a boater that just happens to live in the middle of it all. I have intimate knowledge of these properties, their history, their owners, and the DevPro plans. I know the wrong-doing of the parties involved. Although I have the stigma of a poor live-aboard boater, I am still a citizen with concerns for the community and the environment. Expressing my concerns has cost me in the past and the writing of this letter will cause hardship for me and my family. But, we are all in agreement that there has to be some attempt to do the right thing, in spite of the consequences.

I don't believe the nearby homes have to be removed to satisfy the need to use the adjoining properities in a responsible manner. But, if that is the only way, so be it.

The problem before you is complicated by conflicting reports of the condition of the property, the flooding problems, environmental concerns, and zoning requirements. My goal is to tell you what I know to be the truth and to in some way aid you in any future decisions required concerning these properties.

The high hazard zone designation is correct for the properties to be developed. It includes most of the Hansen property. All of the Manatee World/Coastal Marine Mart property is on filled wet-land, as is the trailer park on the opposite side of highway 80. Most of the homes nearby are on higher ground. DevPro representatives have expressed a desire to own all of these properties, with commercial businesses and a marina to enhance condo sales. The flooding experienced by the homeowners is expected during severe storms, but should not pose a greater threat than other homes on the river face. Currently they are suffering from poor drainage caused by changes made on the Hansen property. The drainage easement that runs along the line between the homes and the Hansen property is blocked by obstructions placed there. The drainage plan that DevPro has will make it worse. At least 60 percent of the Hansen property is filled wet-land. The area that is still inundated by tide water is a problem for DevPro. It is partially filled by an old garbage dump, creosote pilngs, and other debris. DevPro recently cleared the trees near the lowest sections and placed the debris in



the ponds. That debris includes vehicles, boats, creosote pilings, and more. The purpose is to hide as much of the wet-land as possible. In an attempt to deceive an expected Army Corps of Engineers inspector Hansen and DevPro removed some drainage pipes and installed others. They intend to fool the inspector into believing that the tidal flow does not enter the wet-land and all drainage can be away from the river. The pipes installed do nothing and the ones removed are still needed. As I write, the land is flooded and the water is flowing into the Orange River over the area where the pipes were removed. That water is polluted by the garbage dump under it and the creosote pilings piled in it. The filling of the Hansen property continues. The area where most of the boats are located (referred to as the "point") is a mangrove area filled with demolition rubble of every description. The remains of a medical facility are buried there with a huge amount of used x-ray film. In the river are hundreds of creosote pilings, debris from old buildings, sunken boats and barges placed there by Hansen, and more building pieces still falling in. All types of chemicals and residues are obvious around the work areas. After a nationally recognized expert on environmental matters walked the property, he said "This is an environmental disaster." The Florida Department of Environmental Protection seems to be willing to allow this pollution to be covered up and the wet-lands filled. They want the revenue from the larger state water use lease. Lee County will have to protect itself from the agencies that do care, such as the EPA, U.S. Fish and Wildlife, U.S. Army Corps of Engineers, SFWMD, and several environmental groups already aware of this.

This property is unique in its features and location. The solution will also be unique. Pollution must be cleaned up, the wet-lands restored, the wildlife protected, and the manatee habitat protected. No plan presented to date is financially feasible. Hansen destroyed the land and will not clean up the pollution. DevPro can't make any money on the only small area of high ground. The restaurant patrons in boats cause manatee deaths. So, the county should take it for its own use. It is a perfect location for a Lee County Welcoming Center, rest area, wet-lands exhibit manatee observatory, wildlife refuge, and marine museum. The interstate would be served, the environment protected, and an historical site saved. No opportunity such as this will ever present itself again. We could all be proud of this showcase of what Lee County is all about.



To: Brandy

## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DL*

Date: May 17, 2005

Subject: **CPA 2004-00013 (I-75/SR 80 Interchange)**

The Department of Transportation has reviewed the above-referenced Board-initiated future land use map plan amendment, to change 25.84 acres in the southwest quadrant from "Suburban" to "General Commercial Interchange" and to change 5 acres in the southeast quadrant from "Urban Community" to "General Commercial Interchange". Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans.

Thank you for this opportunity to comment. Please let me know if you have any questions.

DML/mlb

cc: Brandy Gonzalez  
Donna Marie Collins



**Brandy Gonzalez - RE: CPA2004-13**

---

**From:** "Silcox, Tina" <TinaS@lee.k12.fl.us>  
**To:** 'Brandy Gonzalez' <BGonzalez@leegov.com>  
**Date:** 5/11/2005 10:46 AM  
**Subject:** RE: CPA2004-13

---

The Changes will have no impact on The School District of Lee County.

-----Original Message-----

From: Brandy Gonzalez [<mailto:BGonzalez@leegov.com>]

Sent: Wednesday, May 11, 2005 10:41 AM

To: ticefd@earthlink.net; kathymba@lee.k12.FL.US; TinaS@lee.k12.FL.US; Mike Carroll; Pete Eckenrode; Gerald Campbell; Rick Joyce; John Yarbrough; James Lavender; Roland Ottolini; Michael Pavese; Pam Houck; Rick Diaz; Regina Smith; Lindsey Sampson; Steve Myers; Kim Trebatoski; Ivan Velez; John Wilson; sheriff@sheriffleefl.org; Wbhorner@swfia

Subject: CPA2004-13

Please note the following correction to the information I sent earlier.  
Thank you.

Changes in the southwest quadrant place the existing RV Sales center in the General Commercial Interchange land use category, removing it from the Suburban land use category (a primarily residential category that allows up to 6 units/acre). This change amends 11.87 parcel acres and 25.84 acres 32.25 acres total when including the actual right-of-way of I-75 and S.R. 80. Although the area is already developed with commercial uses, staff estimates that the area would qualify for approximately 120,000 s.f. of commercial uses if redeveloped and no dwelling units.

Brandy Gonzalez  
Planner - DCD  
[bgonzalez@leegov.com](mailto:bgonzalez@leegov.com)  
Phone: 239-479-8316  
FAX: 239-479-8319



**REGULAR MEETING  
OF THE  
LOCAL PLANNING AGENCY**

**Monday, April 25, 2005**  
**Board of County Commission Chambers**  
**The meeting will commence at 8:30 a.m.**

**AGENDA**

- 1. Call to Order; Certification of Affidavit of Publication**
- 2. Pledge of Allegiance**
- 3. Public Forum**
- 4. Approval of Minutes from March 28, 2005**
- 5. Park Impact Fee Update**
- 6. Land Development Code Amendment**

**Amend Lee County Land Development Code Chapter 34**

**AN ORDINANCE AMENDING LEE COUNTY LAND DEVELOPMENT CODE CHAPTER 34, ARTICLE VI, DIVISION 9, PERTAINING TO THE AIRPORT OPERATIONS PLANNED DEVELOPMENT (AOPD) DISTRICT (§34-934) TO ADD ADDITIONAL USES THAT MAY BE CONDUCTED ON PROPERTY DESIGNATED FOR PUBLIC AIRPORT DEVELOPMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.**

- 7. Review Capital Improvement Program for Fiscal Year ending 2006/2010**
- 8. 2004/2005 Regular Round Plan Amendment Review:**
  - A. CPA2004-09 – Captiva - Amend Goal 13 of the Lee Plan specific to the Captiva community to incorporate the recommendations of the Captiva Island Community Planning effort. Amend Goal 84: Wetlands to add a new Policy 84.1.4.**
  - B. CPA2004-13 – I-75 and S.R. 80 Interchange - Evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.**
- 9. Other Business**
- 10. Adjournment**



This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.



**CPA2004-13**  
**Discussion Item**

This amendment is a Board of County Commissioner sponsored amendment to evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area. This amendment specifically involves the northeast quadrant and both the southeast and southwest quadrants of the interchange area.

Planning staff previously evaluated the southwest quadrant of this interchange area through a past amendment. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board voted to revisit this proposed amendment in a future amendment cycle and it was recommended that the analysis be broadened to include the entire interchange area. At this time the subject amendment will address the three quadrants noted above, recognizing that the future land use designation of the northwest quadrant is appropriate.

Staff has scheduled the item for the April LPA hearing for discussion purposes and plans on bringing the item back to the LPA in May for a formal vote. At this time, staff has attached three possible alternatives for the interchange area. Reviews from other public agencies and the possible benefits or impacts to their facilities have not been conducted at this time and will be added to the analysis as part of staff's final recommendation in May.

Staff is requesting the LPA's input as staff evaluates the interchange area. Staff has attached the following maps as part of the discussion materials: a map of the existing future land use designations; a map for each of the three alternatives for review; an aerial view; and a map of existing land uses. In addition, staff has attached a Density Calculation sheet for the alternatives giving the acreage for each land use category and the possible number of dwelling units that could be built within each category. Dwelling unit counts are based on the allowable density range permitted by each future land use category. The following information provides a brief review for each of the proposed alternatives.

Alternative 1: This alternative shows the existing Dos Rios subdivision in the northeast quadrant of the interchange going from General Commercial Interchange, a commercial future land use category, to Suburban, a primarily residential future land use category. The Suburban land use category permits up to 6 dwelling units per acre. The General Commercial Interchange designation in the southeast quadrant is extended to the east covering a row of parcels developed with existing commercial interchange uses. The General Commercial Interchange designation is also extended to the southwest quadrant covering the existing RV sales center commercial development. These proposed designations in the southwest quadrant remain the same in all three alternatives.

Alternative 2: Alternative 2 shows the entire northeast and southeast quadrant going from General Commercial Interchange to Central Urban, extending this category from the



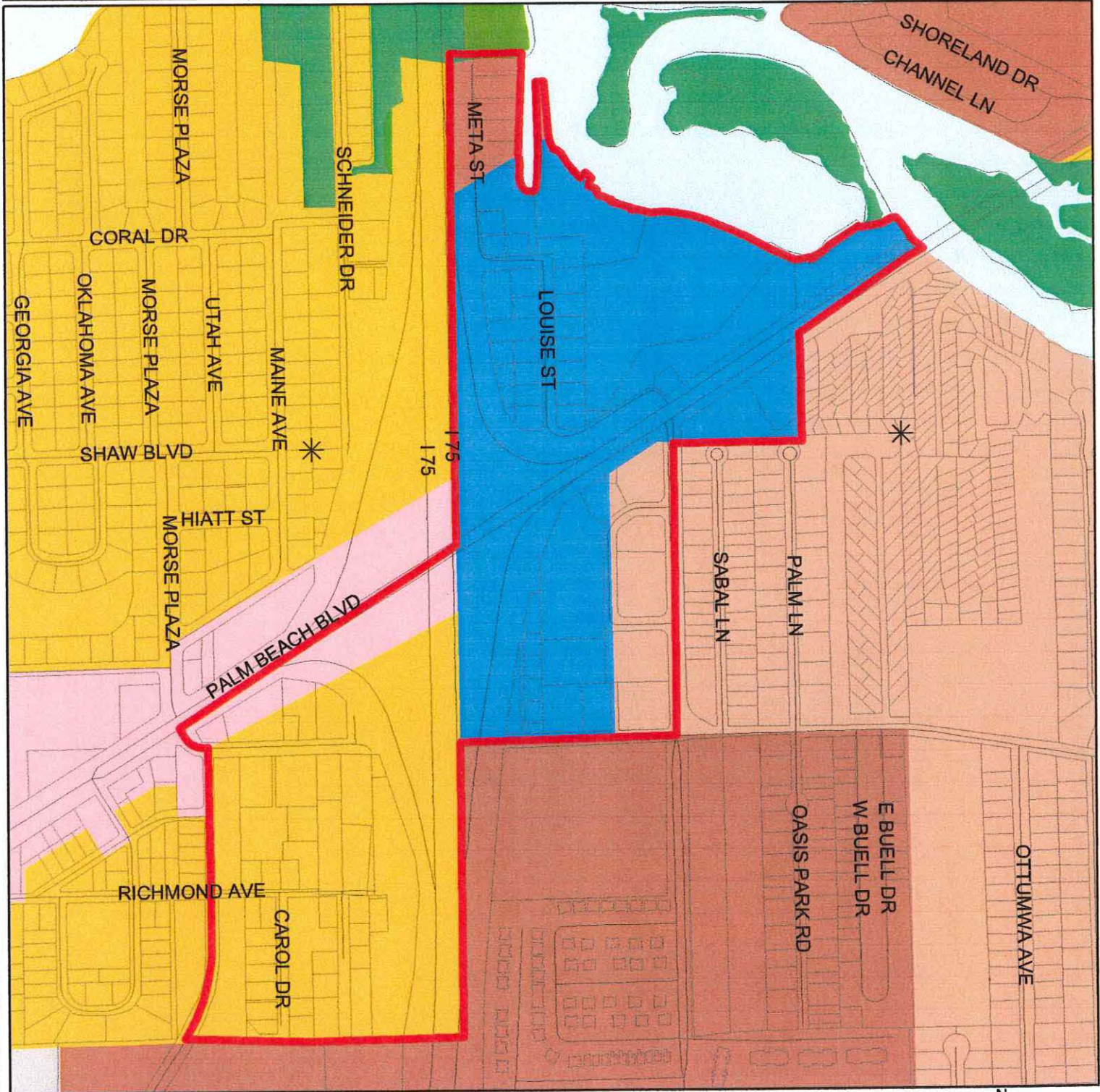
south to the North. The Central Urban category permits up to 10 dwelling units per acre and up to 15 dwelling units per acre with bonus density.

Alternative 3: The final alternative shows the entire northeast quadrant going from General Commercial Interchange to Urban Community. The Urban Community category permits up to 6 dwelling units per acre and up to 10 dwelling units per acre with bonus density. This alternative for this quadrant is consistent with the LPA's recommendation at the March LPA for the small scale amendment located in this quadrant of the interchange. The southeast quadrant remains unchanged and the southwest quadrant remains consistent with the first two alternatives.



# CPA 2005-00001

## Future Land Use Map



Generated: March 2005  
Source: Lee County DCD/Planning

### Future Land Use Designations

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- General Commercial Interchange
- Conservation Lands - Uplands
- Wetlands
- Conservation Lands - Wetlands

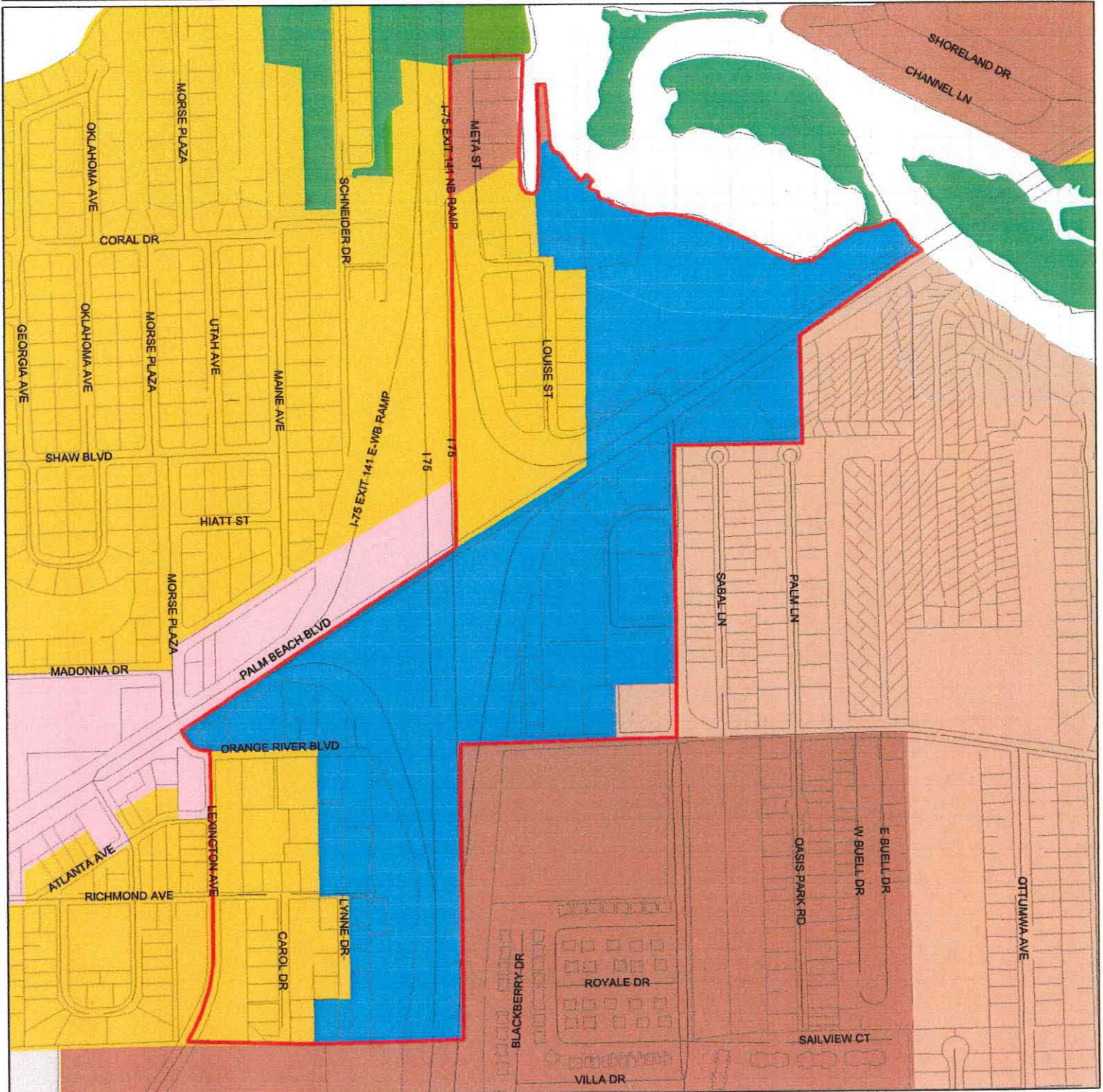
Study Area





CPA 2004-00013

# Future Land Use Map (Alternative 1)



  Study Area

  Coastal High Hazard Area

## Future Land Use Designations

  Intensive Development

  Central Urban

  Urban Community

  Suburban

  Public Facilities

  General Commercial Interchange

  Conservation Lands - Uplands

  Wetlands

  Conservation Lands - Wetlands



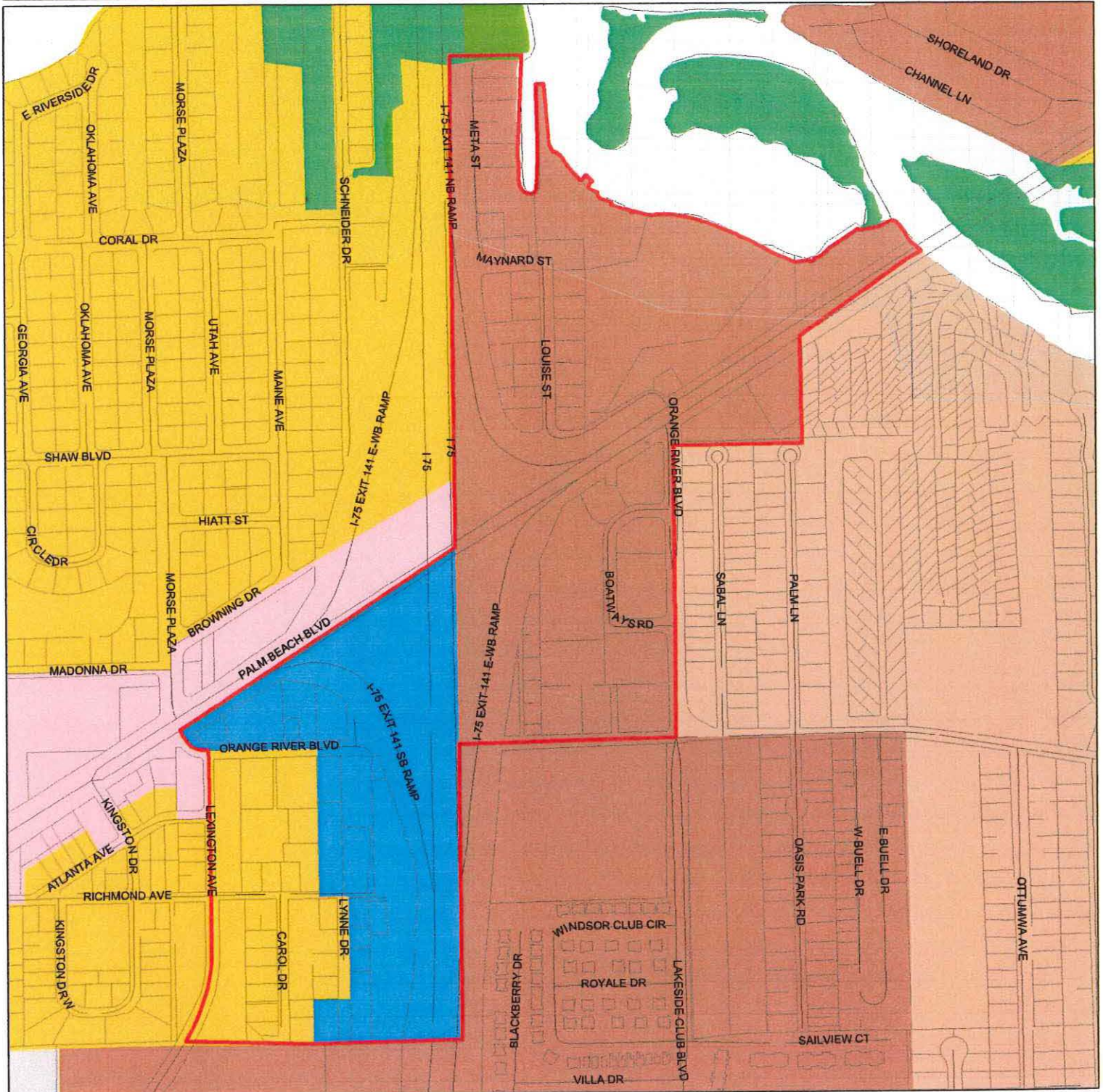
100 200 300 400 500  
Feet





CPA 2004-00013

# Future Land Use Map (Alternative 2)



  Study Area

  Coastal High Hazard Area

## Future Land Use Designations

  Intensive Development

  Central Urban

  Urban Community

  Suburban

  Public Facilities

  General Commercial Interchange

  Conservation Lands - Uplands

  Wetlands

  Conservation Lands - Wetlands



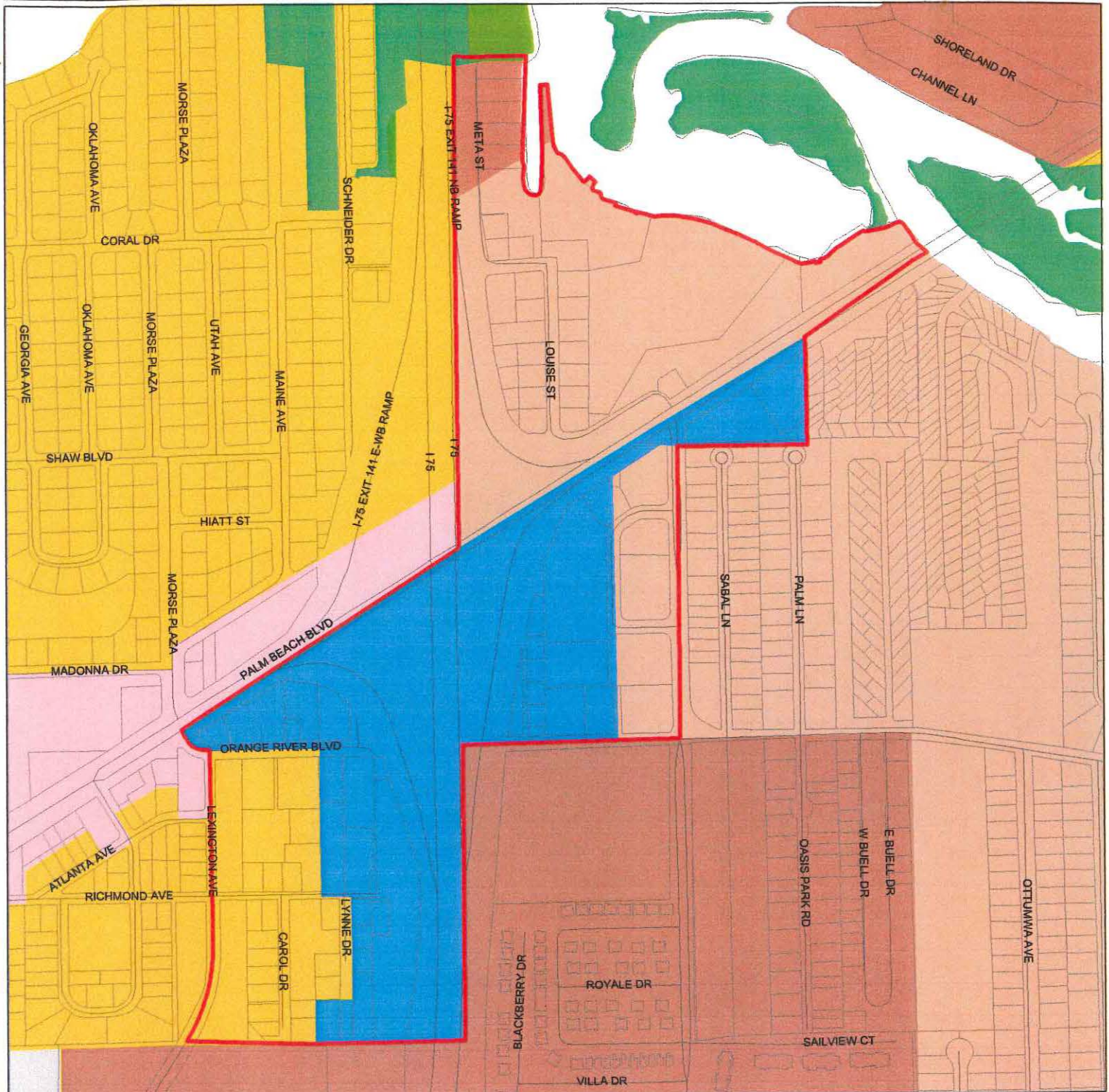
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1 Mile





CPA2004-00013

# Future Land Use Map (Alternative 3)



- Study Area**
- Future Land Use Designations**
- Intensive Development
  - Central Urban
  - Urban Community

- Suburban
- Public Facilities
- General Commercial Interchange
- Conservation Lands - Uplands
- Wetlands
- Conservation Lands - Wetlands

Generated: April 2005  
Source: Lee County DCD/Planning



100 200 300 400 500  
Feet





CPA 2004-00013

# Aerial Map



Generated: April 2005  
Source: Lee County DCD/Planning

Study Area



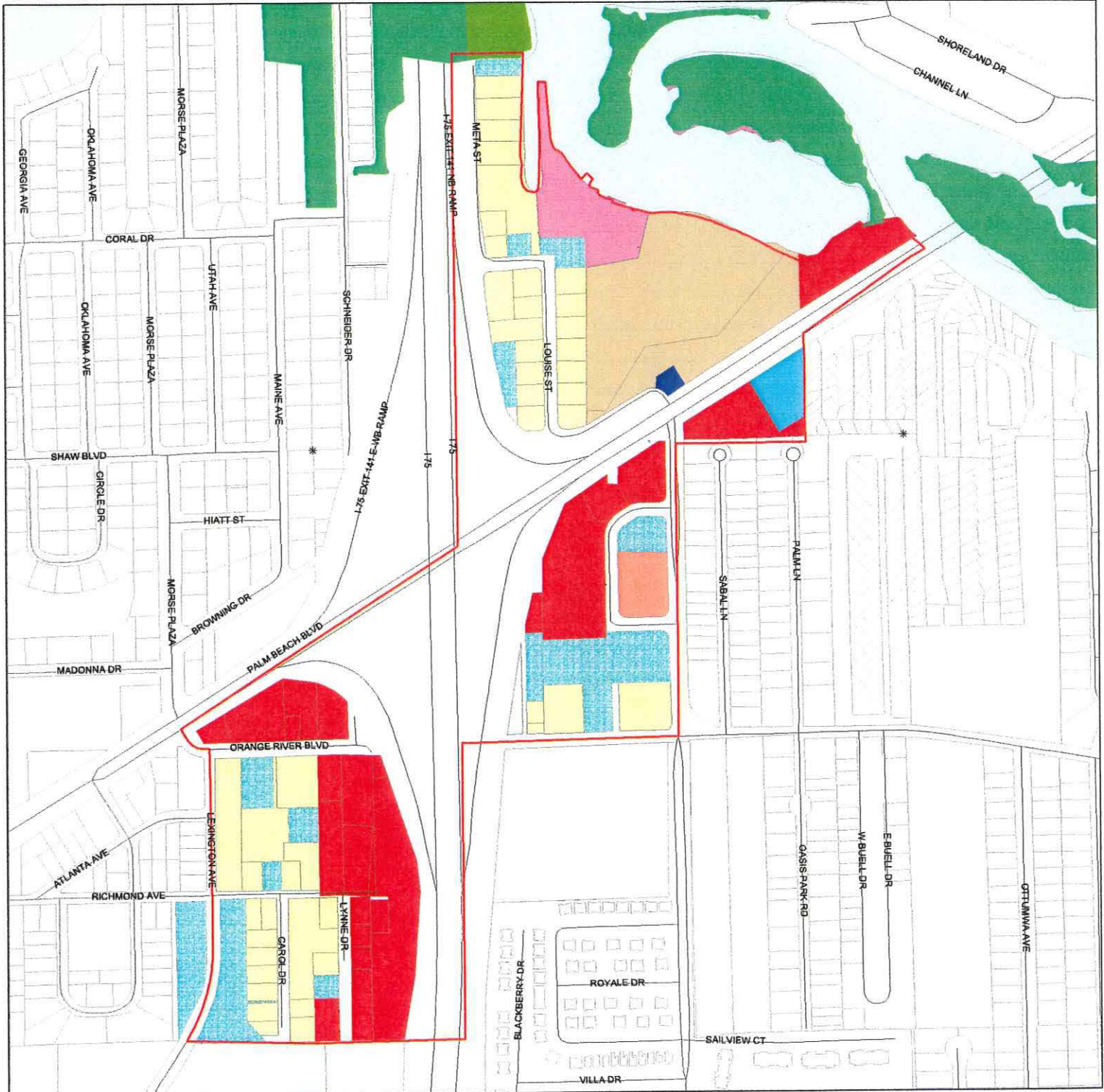
100 200 300 400 500





# CPA 2004-00013

## Existing Uses By Parcel



Generated: April 2005  
Source: Lee County DCD/Planning  
Existing Land Use Inventory

### Legend

- |  |  |
|--|--|
| <span style="border: 2px solid red; padding: 2px;"> </span> Study Area   | <span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;"> </span> Commercial Resort, Hotel/Motel    |
| <b>ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)</b>   |  |
| <span style="background-color: #90EE90; border: 1px solid black; padding: 2px;"> </span> Wetlands                      | <span style="background-color: #FFB6C1; border: 1px solid black; padding: 2px;"> </span> Marina                            |
| <span style="background-color: #3CB371; border: 1px solid black; padding: 2px;"> </span> Conservation Lands - Wetlands | <span style="background-color: #FFDAB9; border: 1px solid black; padding: 2px;"> </span> Agriculture, Pasture Land         |
| <b>Existing Land Use</b>   |  |
| <span style="background-color: #FFFFE0; border: 1px solid black; padding: 2px;"> </span> Residential, Single Family    | <span style="background-color: #4682B4; border: 1px solid black; padding: 2px;"> </span> Public Utilities                  |
| <span style="background-color: #FF0000; border: 1px solid black; padding: 2px;"> </span> Commercial Retail             | <span style="background-color: #87CEFA; border: 1px solid black; padding: 2px;"> </span> Public (Buffers/Open Space/Lakes) |
|  | <span style="background-color: #ADD8E6; border: 1px solid black; padding: 2px;"> </span> Vacant                            |
|  | <span style="background-color: #FFFFFF; border: 1px solid black; padding: 2px;"> </span> Public ROW                        |



150 75 0 75 150 300 450 600 Feet





### Existing Density Calculations

<u>FLUMC</u>	<u>Parcel Acres</u>	<u>Total Acres</u>	<u>Dwelling Units by Parcel Acres</u>		
			<u>Minimum</u>	<u>Maximum</u>	<u>Bonus</u>
Intensive Development	1.33	6.40	10.64	18.62	10.64
Central Urban	2.40	3.91	9.6	24	12
Urban Community	5.87	8.28	5.87	35.22	23.48
Suburban	25.22	42.21	25.22	151.32	0
General Commercial Interchange	38.58	63.68	0	0	0
<b>Grand Total:</b>	<b>73.40</b>	<b>124.49</b>	<b>51.33</b>	<b>229.16</b>	<b>46.12</b>

### Alternative 1 Density Calculations

<u>FLUMC</u>	<u>Parcel Acres</u>	<u>Total Acres</u>	<u>Dwelling Units by Parcel Acres</u>		
			<u>Minimum</u>	<u>Maximum</u>	<u>Bonus</u>
Central Urban	2.40	3.91	9.6	24	12
General Commercial Interchange	48.48	84.31	0	0	0
Suburban	21.38	34.71	21.38	128.28	0
Urban Community	1.14	1.56	1.14	6.84	4.56
<b>Grand Total:</b>	<b>73.40</b>	<b>124.49</b>	<b>32.12</b>	<b>159.12</b>	<b>16.56</b>

### Alternative 2 Density Calculations

<u>FLUMC</u>	<u>Parcel Acres</u>	<u>Total Acres</u>	<u>Dwelling Units by Parcel Acres</u>		
			<u>Minimum</u>	<u>Maximum</u>	<u>Bonus</u>
Central Urban	46.85	75.87	187.4	468.5	234.3
General Commercial Interchange	13.20	32.25	0	0	0
Suburban	13.35	16.37	13.35	80.1	0
<b>Grand Total:</b>	<b>73.40</b>	<b>124.49</b>	<b>200.75</b>	<b>548.6</b>	<b>234.3</b>

### Alternative 3 Density Calculations

<u>FLUMC</u>	<u>Parcel Acres</u>	<u>Total Acres</u>	<u>Dwelling Units by Parcel Acres</u>		
			<u>Minimum</u>	<u>Maximum</u>	<u>Bonus</u>
Intensive Development	0	0	0	0	0
Central Urban	2.40	3.91	9.6	24	12
Urban Community	32.92	49.56	32.92	197.52	131.68
Suburban	13.35	16.37	13.35	80.10	0
General Commercial Interchange	24.73	54.64	0	0	0
<b>Grand Total:</b>	<b>73.4</b>	<b>124.48</b>	<b>55.87</b>	<b>301.62</b>	<b>143.68</b>



# FLUM Changes (Proposal One)

4/13/2005

<u>From Desig</u>	<u>To Desig</u>	<u>Parcel Acres</u>	<u>TotalAcres</u>
UC	IGC	4.73	6.72
IGC	IGC	8.60	17.89
SUB	IGC	11.87	25.85
	<b>IGC</b>	<b>25.20</b>	<b>50.45</b>
INT	INT	1.33	6.40
	<b>INT</b>	<b>1.33</b>	<b>6.40</b>
CU	SUB	2.19	3.65
IGC	SUB	8.03	18.34
SUB	SUB	13.35	16.37
	<b>SUB</b>	<b>23.57</b>	<b>38.36</b>
CU	UC	0.21	0.26
UC	UC	1.14	1.56
IGC	UC	21.95	27.45
	<b>UC</b>	<b>23.30</b>	<b>29.27</b>
	<b>Grand Total:</b>	<b>73.40</b>	<b>124.49</b>



# FLUM Changes (Proposal One)

4/13/2005

<u>From Desig</u>	<u>To Desig</u>	<u>Parcel Acres</u>	<u>Total Acres</u>
CU	CU	0.21	0.26
CU	CU	2.19	3.65
	<b>CU</b>	<b>2.40</b>	<b>3.91</b>
INT	IGC	1.33	6.40
UC	IGC	4.73	6.72
SUB	IGC	11.87	25.85
IGC	IGC	8.60	17.89
IGC	IGC	21.95	27.45
	<b>IGC</b>	<b>48.48</b>	<b>84.31</b>
IGC	SUB	8.03	18.34
SUB	SUB	13.35	16.37
	<b>SUB</b>	<b>21.38</b>	<b>34.71</b>
UC	UC	1.14	1.56
	<b>UC</b>	<b>1.14</b>	<b>1.56</b>
	<b>Grand Total:</b>	<b>73.40</b>	<b>124.49</b>



# FLUM Changes (Proposal One)

4/13/2005

<u>From Desig</u>	<u>To Desig</u>	<u>Parcel Acres</u>	<u>Total Acres</u>
INT	IGC	1.33	6.40
UC	IGC	4.73	6.72
UC	IGC	1.14	1.56
IGC	IGC	8.60	17.89
SUB	IGC	11.87	25.85
	<b>IGC</b>	<b>27.67</b>	<b>58.42</b>
CU	SUB	2.19	3.65
IGC	SUB	8.03	18.34
SUB	SUB	13.35	16.37
	<b>SUB</b>	<b>23.57</b>	<b>38.36</b>
CU	UC	0.21	0.26
IGC	UC	21.95	27.45
	<b>UC</b>	<b>22.16</b>	<b>27.71</b>
	<b>Grand Total:</b>	<b>73.40</b>	<b>124.49</b>



# FLUM Changes (Proposal One)

4/13/2005

<u>From Desig</u>	<u>To Desig</u>	<u>Parcel Acres</u>	<u>TotalAcres</u>
INT	INT	1.33	6.40
<b>INT</b>		<b>1.33</b>	<b>6.40</b>
CU	SUB	2.19	3.65
CU	UC	0.21	0.26
<b>CU</b>		<b>2.40</b>	<b>3.91</b>
UC	IGC	4.73	6.72
UC	UC	1.14	1.56
<b>UC</b>		<b>5.87</b>	<b>8.28</b>
SUB	IGC	11.87	25.85
SUB	SUB	13.35	16.37
<b>SUB</b>		<b>25.22</b>	<b>42.21</b>
IGC	IGC	8.60	17.89
IGC	SUB	8.03	18.34
IGC	UC	21.95	27.45
<b>IGC</b>		<b>38.58</b>	<b>63.68</b>
<b>Grand Total:</b>		<b>73.40</b>	<b>124.49</b>



# CPA2004-00013 Alternative 2

4/13/2005

<u>Alt2</u>	<u>Parcel Acres</u>	<u>Total Acres</u>
IGC	13.20	32.25
	13.35	16.37
CU	46.85	75.87
<b>Grand Total:</b>	<b>73.40</b>	<b>124.49</b>



**From:** Brandy Gonzalez  
**To:** Loveland, David; Wu, Lili  
**Date:** 5/11/05 10:36AM  
**Subject:** CPA2004-13

I have two corrections to make to the previous information that I sent to you on this amendment. There are a few more acres being amended, changing the density calculation for existing future land use.

Changes in the southwest quadrant place the existing RV Sales center in the General Commercial Interchange land use category, removing it from the Suburban land use category (a primarily residential category that allows up to 6 units/acre). This change amends 11.87 parcel acres and ~~25.84 acres~~ 32.25 acres total when including the actual right-of-way of I-75 and S.R. 80. Although the area is already developed with commercial uses, staff estimates that the area would qualify for approximately 120,000 s.f. of commercial uses if redeveloped and no dwelling units.

Worst case scenario for the existing land use categories:

Southwest quadrant - 100,000 s.f. commercial or ~~173~~ **274** dwelling units  
Southeast quadrant - 50,000 s.f. commercial or 56 dwelling units

Brandy Gonzalez  
Planner - DCD  
bgonzalez@leegov.com  
Phone: 239-479-8316  
FAX: 239-479-8319



**From:** Brandy Gonzalez  
**To:** Loveland, David; Wu, Lili  
**Date:** 5/6/05 4:31PM  
**Subject:** Fwd: CPA 2004-13 - Future land use amendment

In addition to the information I sent earlier -

Worst case scenario for the existing land use categories:

Southwest quadrant - 100,000 s.f. commercial or 173 dwelling units  
Southeast quadrant - 50,000 s.f. commercial or 56 dwelling units

Thanks.

Brandy Gonzalez  
Planner - DCD  
bgonzalez@leegov.com  
Phone: 239-479-8316  
FAX: 239-479-8319

**CC:** Noble, Matthew



**From:** Brandy Gonzalez  
**To:** alan.erp@northtrailrv.com  
**Date:** 3/15/05 10:13AM  
**Subject:** State Road 80/I-75 Interchange

Good Morning Mr. Erp -

I am sending this e-mail in order to provide you with further information regarding the proposed plan amendment I discussed with you on the phone. Staff will be evaluating the future land use designations of the interchange area and proposing amendments to the future land use map. Staff would like to have the opportunity to discuss the designation of your property with you prior to making any recommendations for changes in the interchange area.

I am attaching a pdf file showing the current future land use designations of the area for your information. The current land use designation for the southwest quadrant of the interchange is primarily Suburban. The Lee Plan, the county's comprehensive plan, describes the designation as:

*The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.*

The Urban Community designation permits up to 6 dwelling units per acre. As mentioned in our telephone conversation, staff is considering the General Commercial Interchange category as an appropriate category for the southwest quadrant given the existing uses located here. This category is currently in place in the northeast and southeast quadrants of the interchange. The Lee Plan provides the following description for the General Commercial Interchange:

*The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.*

Please take this opportunity to review the current land use designations of the area and provide me with any comments or questions you may have regarding a plan amendment in this area. Staff would appreciate your input in this matter and would like to schedule a meeting with you if possible to discuss the proposed plan amendment. At this time staff is planning on taking a finalized recommendation before the Local Planning Agency on April 25, 2005. Any input you have will be helpful. I can be contacted at 239-479-8316.

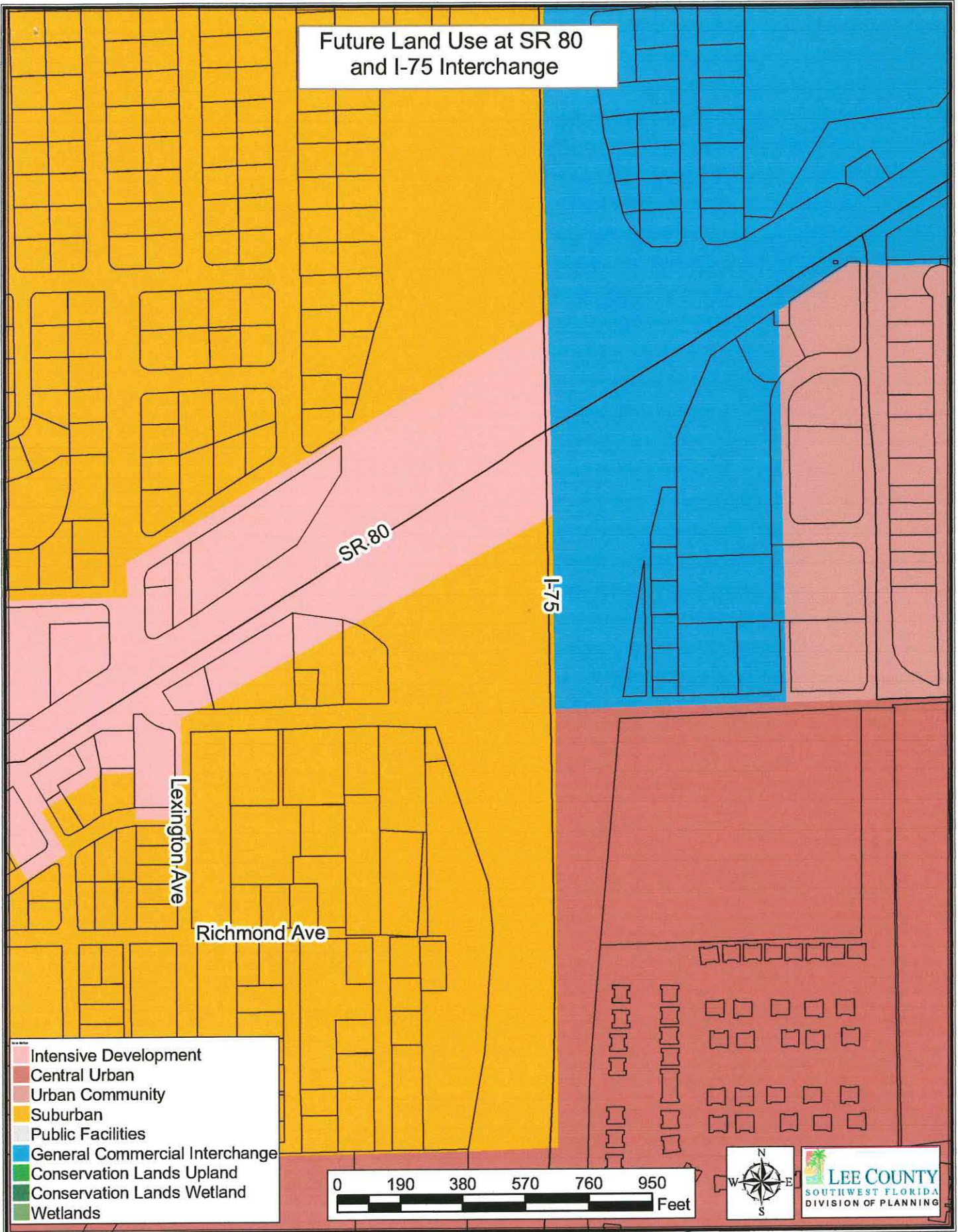
Thank you for your time and I look forward to hearing from you.

Brandy Gonzalez  
Planner - DCD  
bgonzalez@leegov.com  
Phone: 239-479-8316  
FAX: 239-479-8319

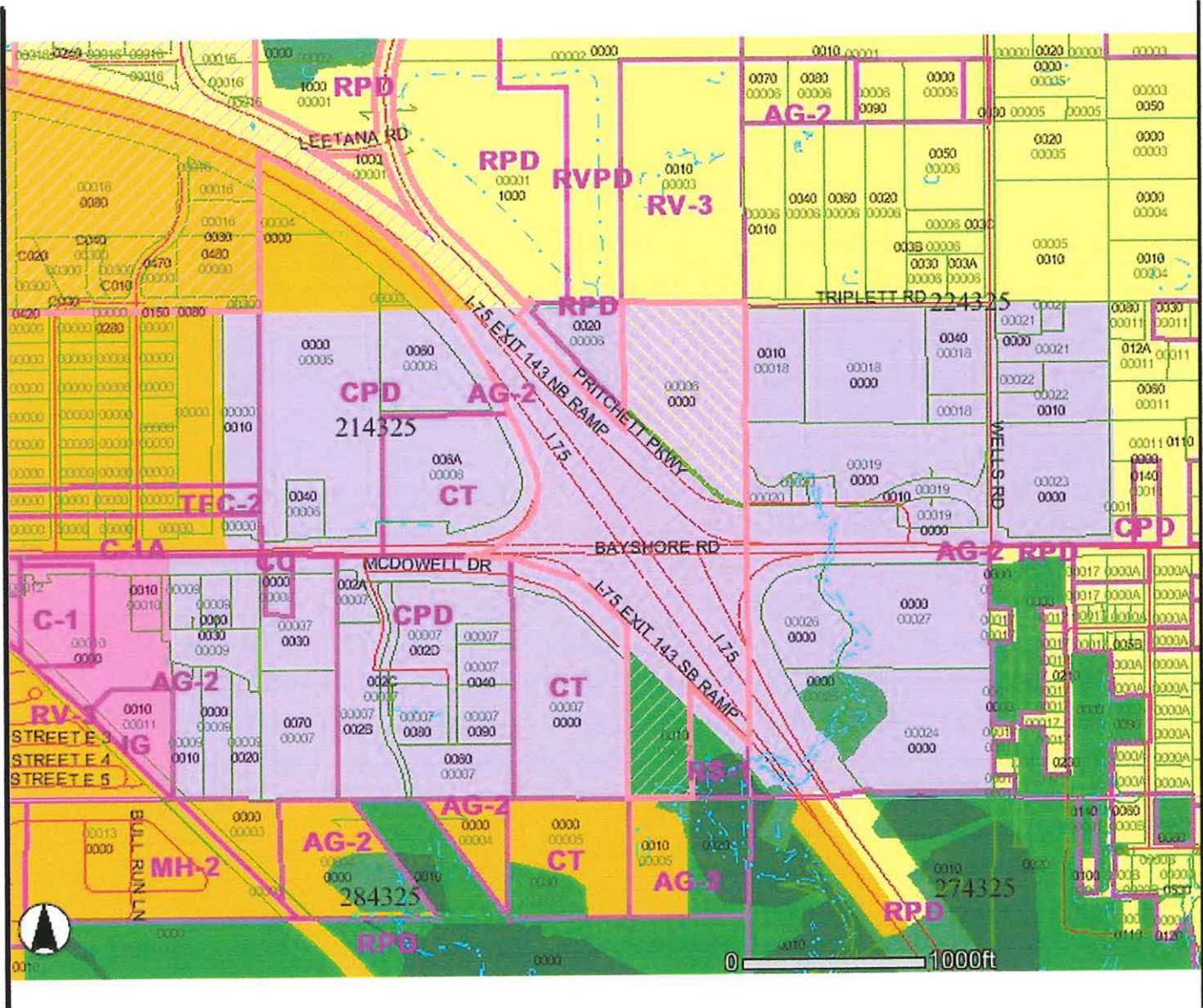
**CC:** Noble, Matthew



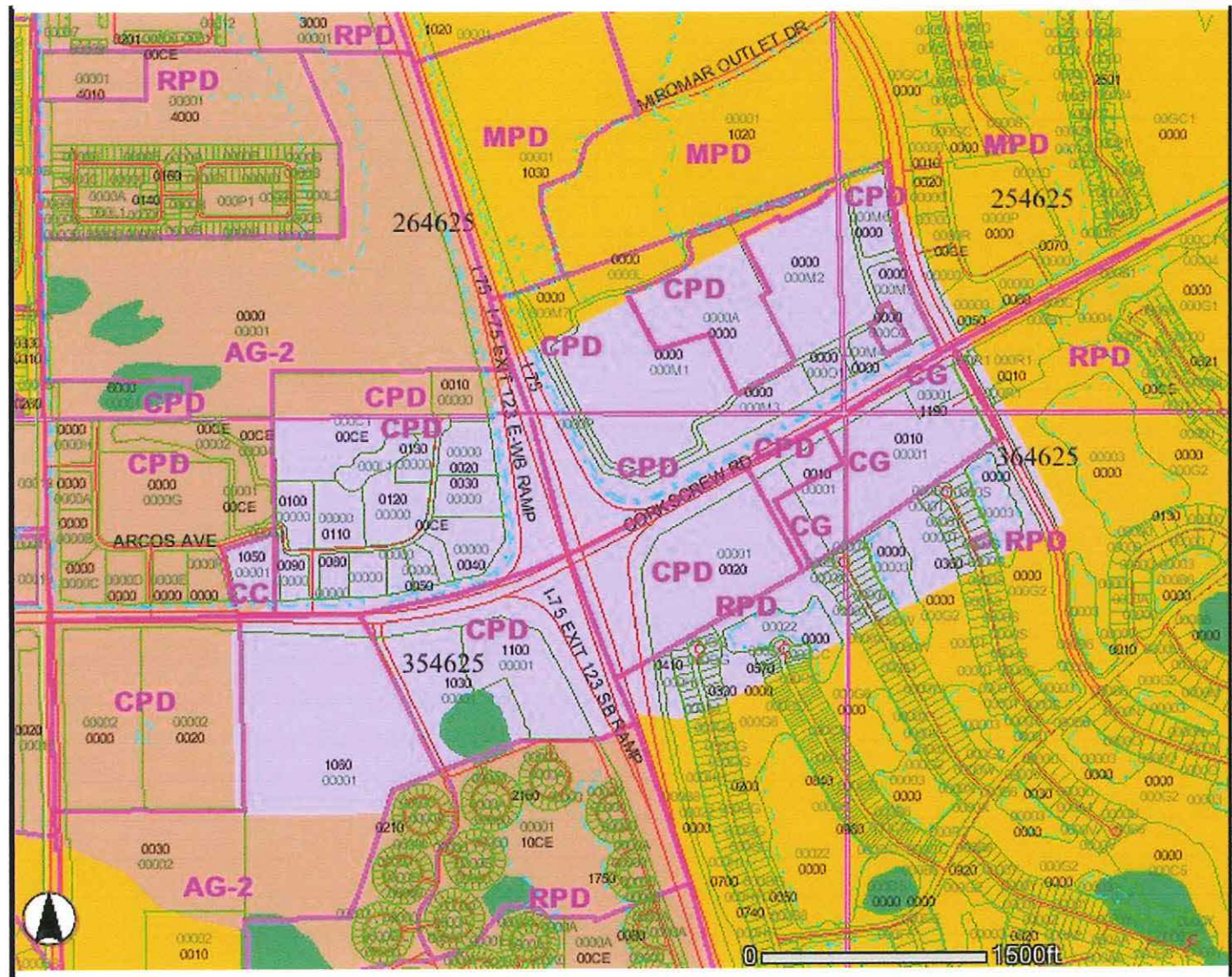
# Future Land Use at SR 80 and I-75 Interchange





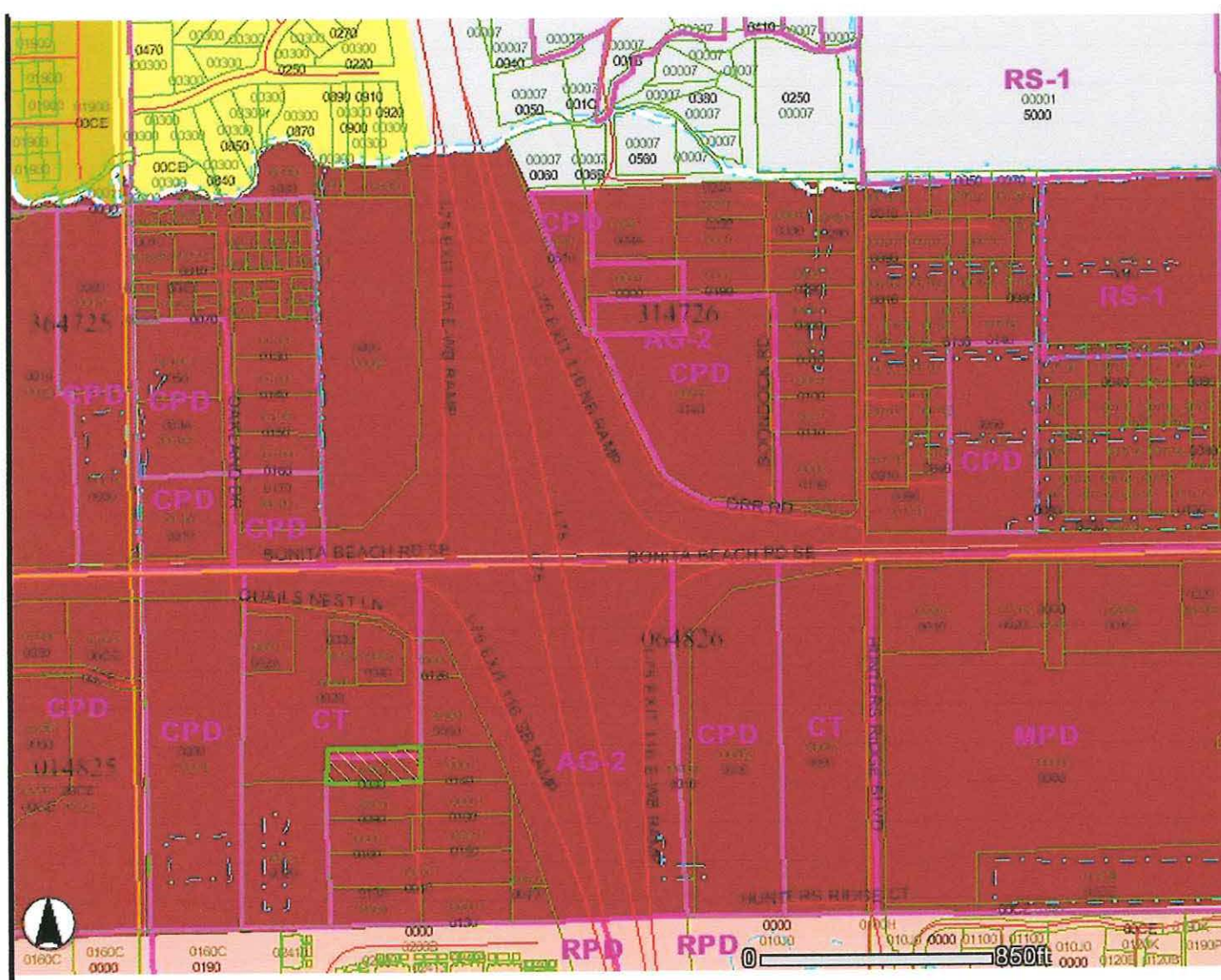






Grey book



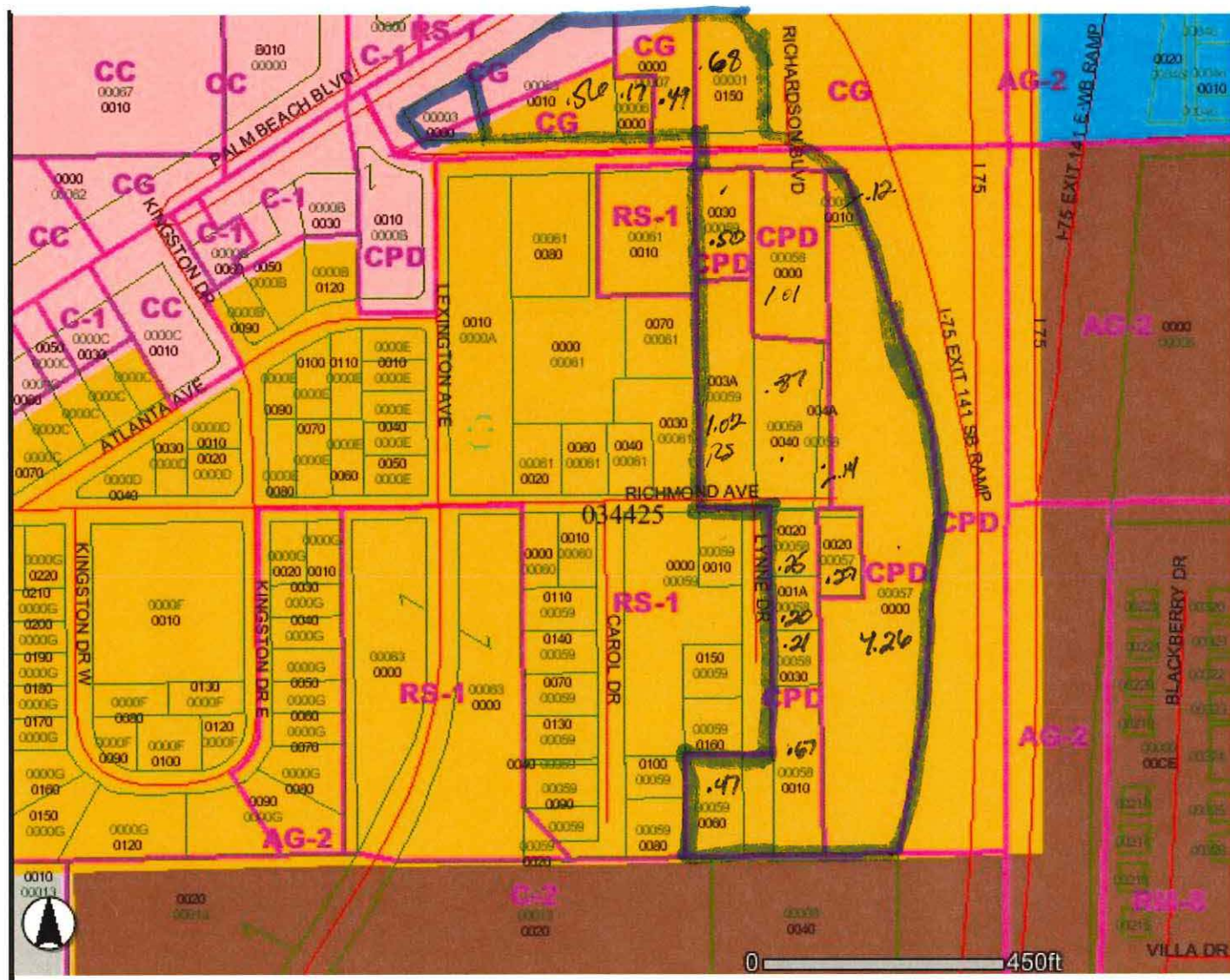


Oaks Nest Lane  
Oakland Ave N.H.  
R



	I - 75			
	NW	NE	SW	SE
Baystone	CPD, CT	AG-2 RPO	CPD, CT	AG-2
SR. 80				
Lickett Rd	<del>CPD</del> Ind. Dev.	<del>CPD</del> Ind. Int.	Ind. Int.	AG-2 Ind. Int.
SR. 82	City Brng Ind. Dev.	AG-2, RPO Int. Dev.	City Brng Int. Dev.	City Brng Ind. Dev.
Colonial	City Int. Dev.	— Int. Dev.	— Int. Dev.	— Conservation Wetlands
Danvers	CPD Gen. Int.	AG-2, CT Public Fac	AG-2, CT Gen. Int.	MPD Gen. Int.
Allico	AG-2, CPD Industrial Comm Interchange	CPD, IPD Industrial Comm Interchange	CPD Urban Community	CPD, MPD University Village Interchange
Contoocum	CPD Gen. Int.	CPD Gen. Int.	CPD Gen. Int.	CPD, <del>CPD</del> some RPO Gen. Int.
	Estero Embankment Commerce Pk.		Island Club	Storey Brook
Route 284 Rd.	CPD, MPD Corner	CPD, AG-2 residential Queen's Root Ln. Early 70's	CPD, CT	CPD, CT
	44-2 Oakland Access			

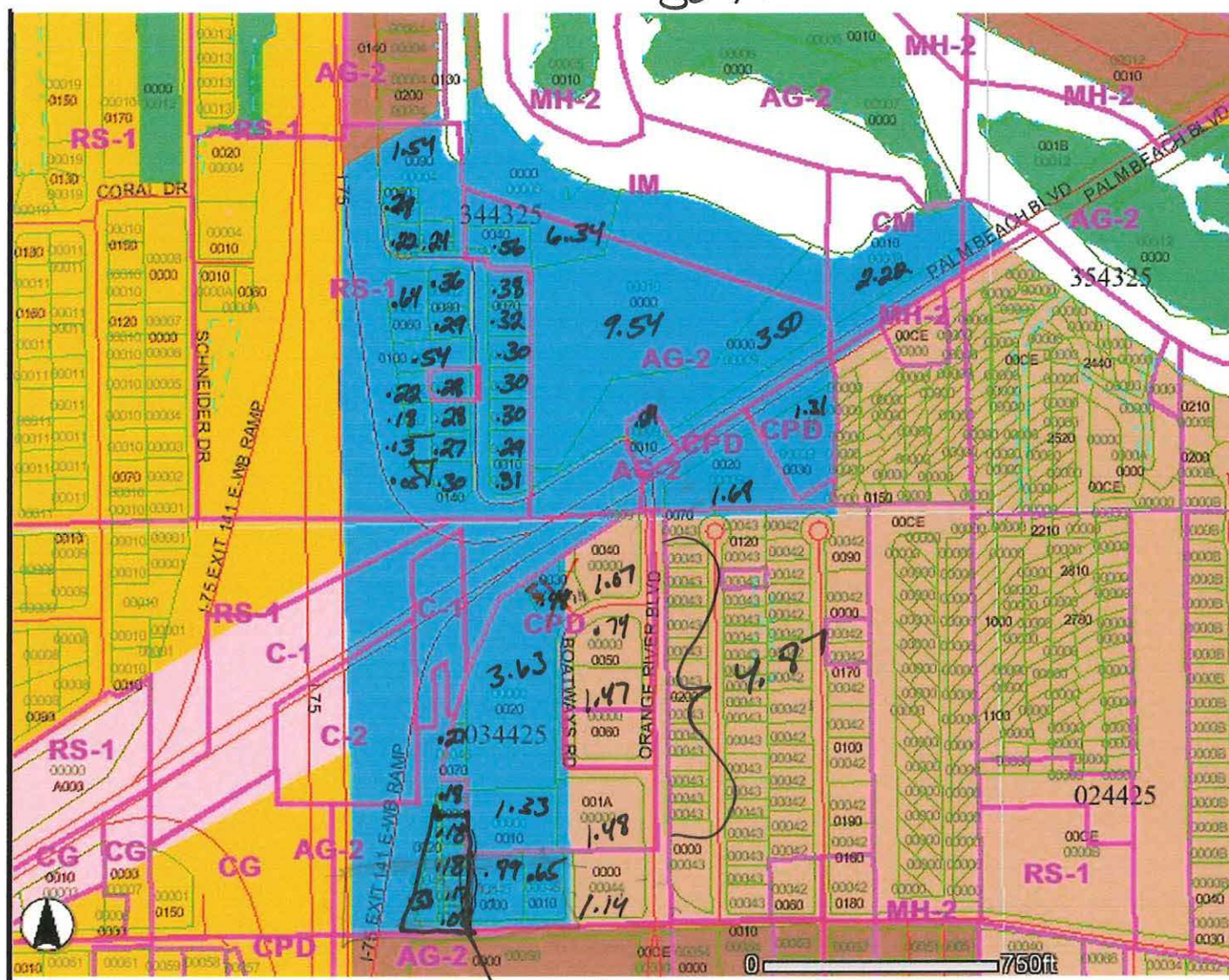




11.89  
Suburban

11.89  
+ 4.87 = 16.76  
16.76





30.18 G-Interchange

11.36 G. Interchange

41.54













ORANGE RIVER BLVD

PALM BEACH BLVD

I-75

52





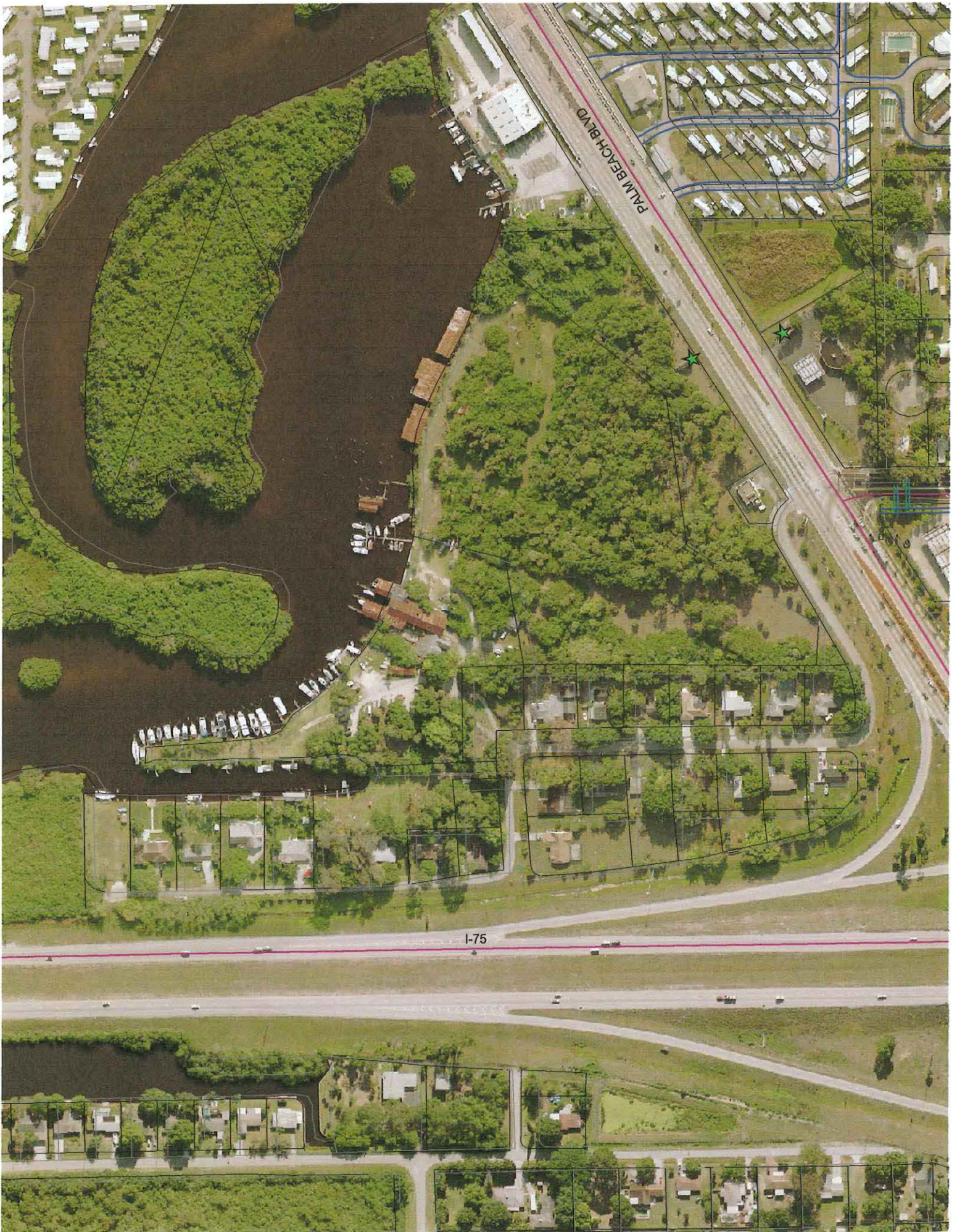
35



This aerial map shows a residential neighborhood with a proposed route highlighted in pink. The route begins at the bottom of the frame, proceeds north along a main thoroughfare, and then turns east to cross Interstate 75 (I-75). A green star is located near the intersection of the proposed route and Palm Beach Blvd. The map features a grid of streets, numerous houses, and a canal on the left side. A blue line also runs north-south, intersecting the proposed route and I-75.



32



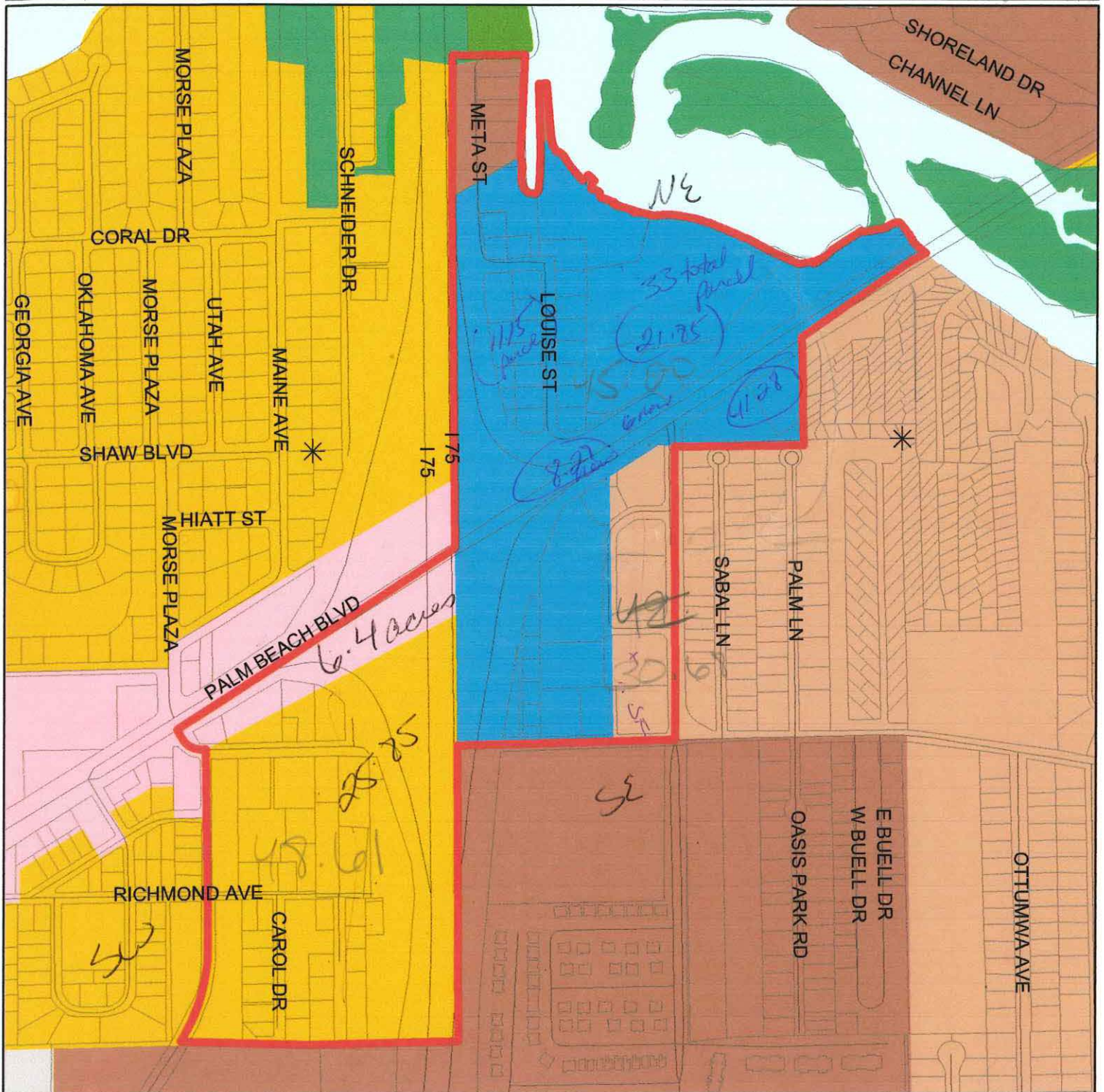






CPA2005-00001

# Future Land Use Map



## Future Land Use Designations

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- General Commercial Interchange
- Conservation Lands - Uplands
- Wetlands
- Conservation Lands - Wetlands

Study Area

37 acres total  
being amended

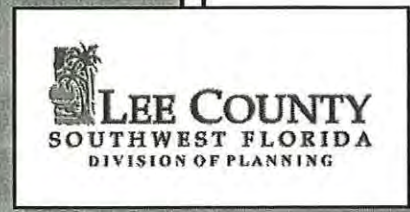


0 100 200 300 400 500



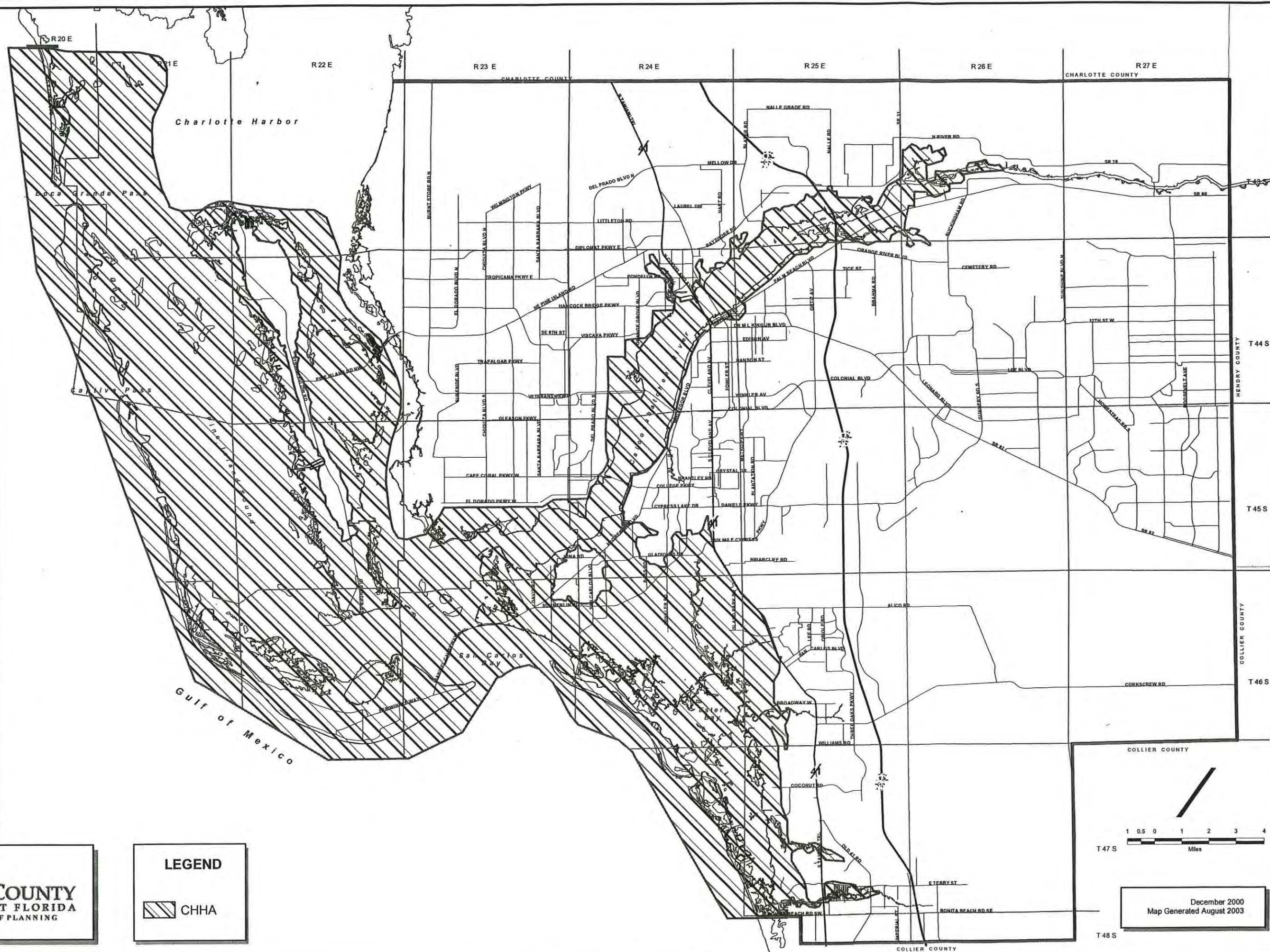


# LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA) (Lee Plan Map 5)



**LEGEND**

CHHA



COLLIER COUNTY

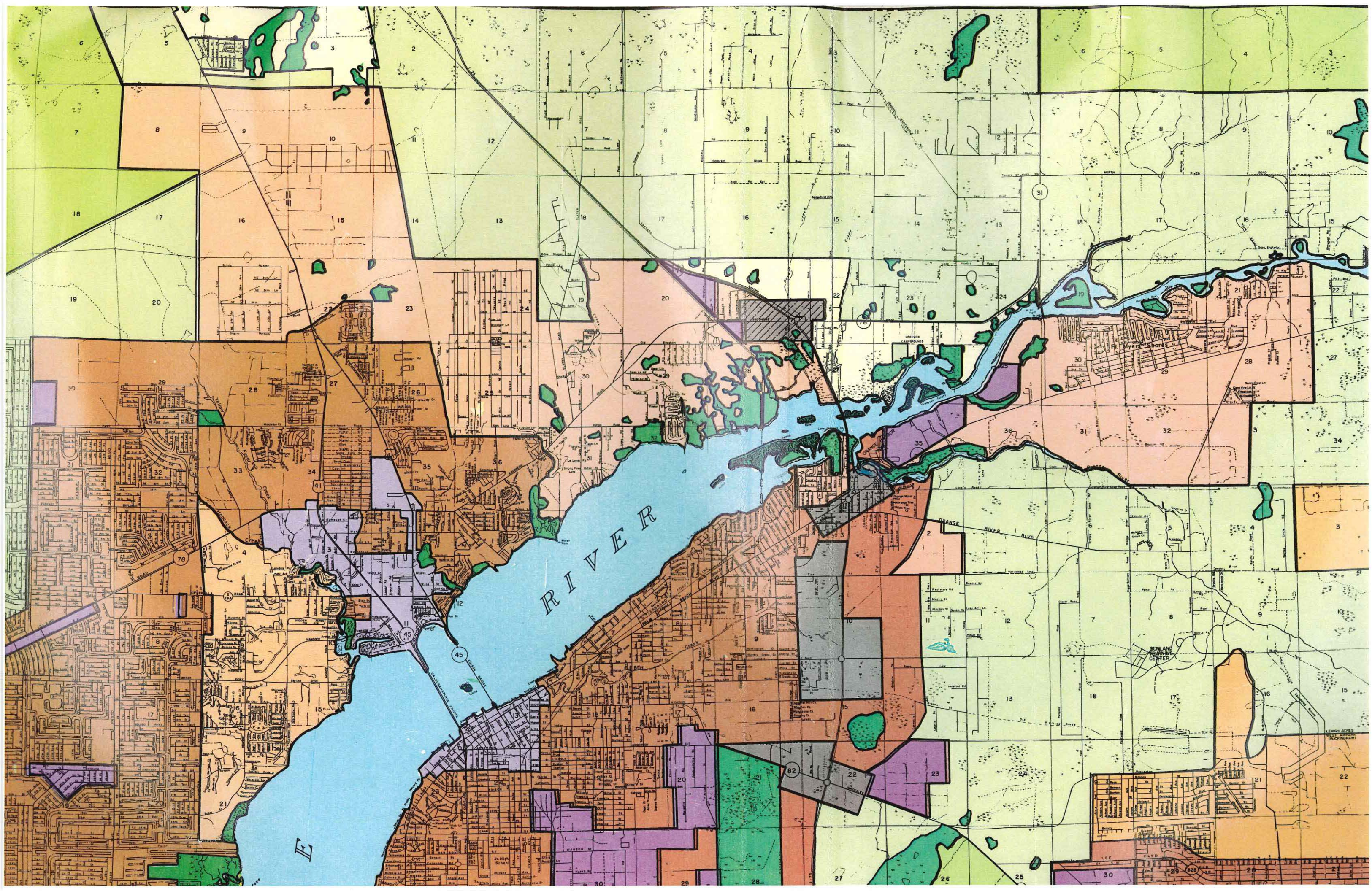
1 0.5 0 1 2 3 4  
Miles

T 47 S

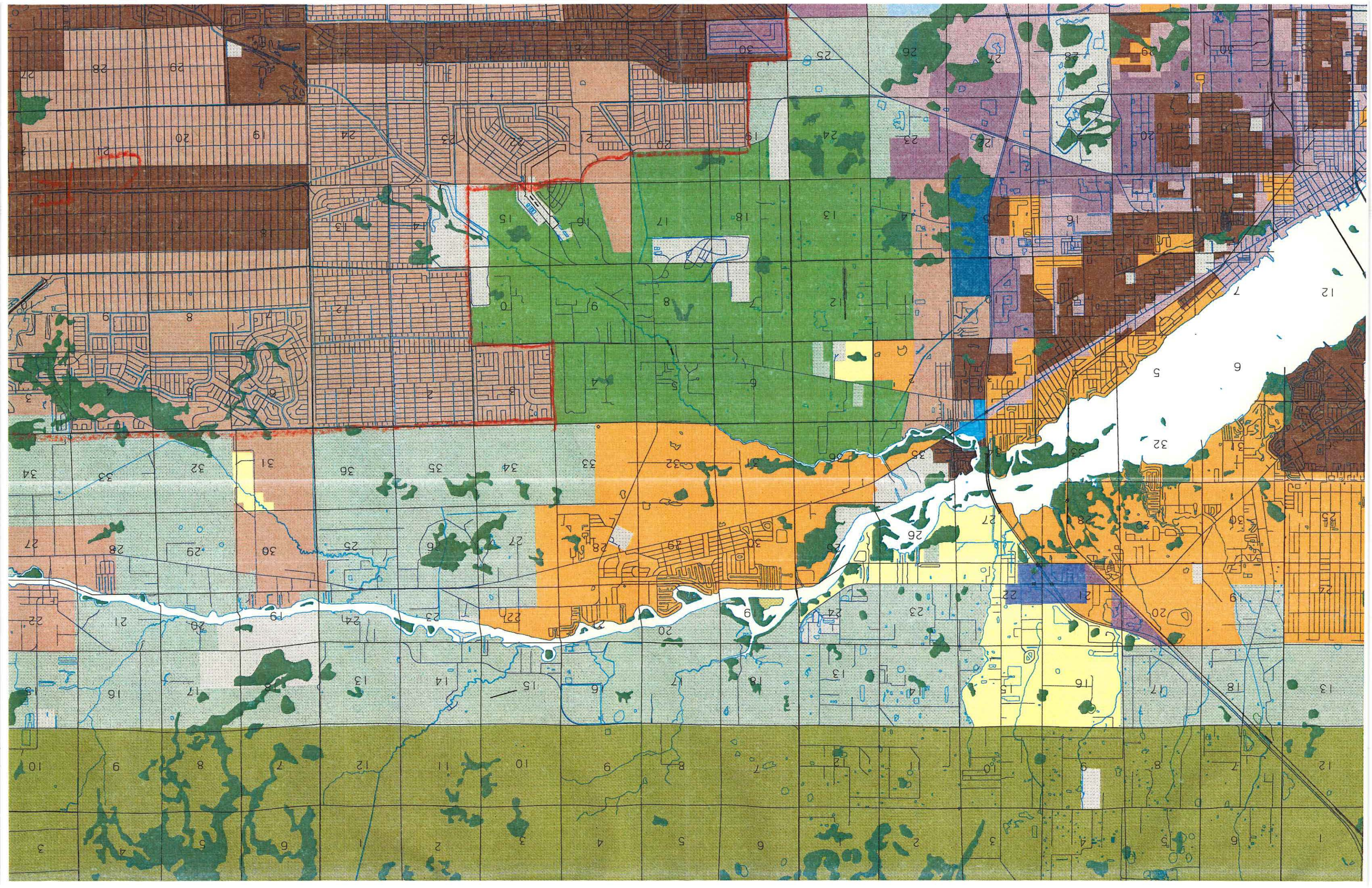
T 48 S

December 2000  
Map Generated August 2003

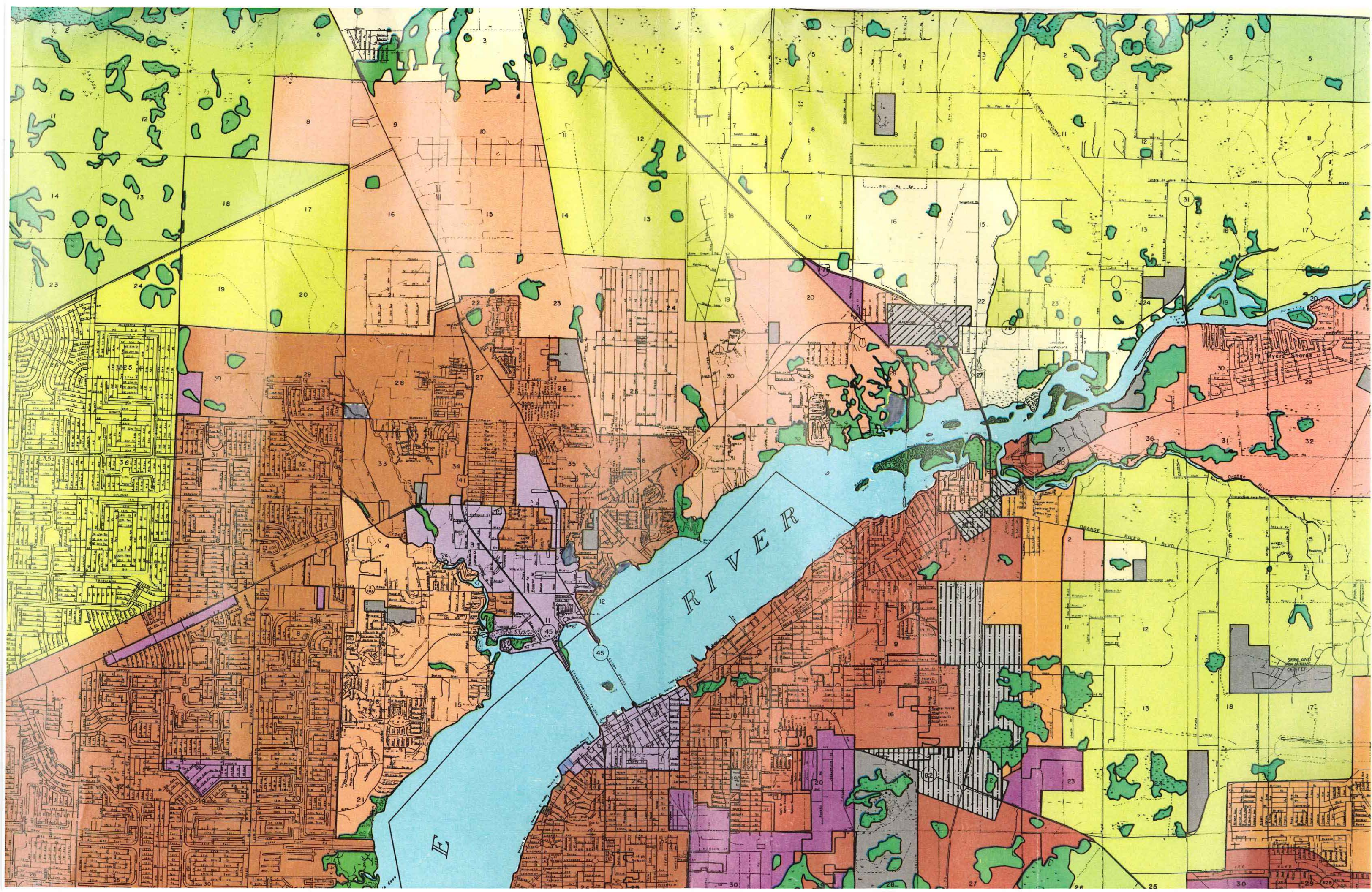




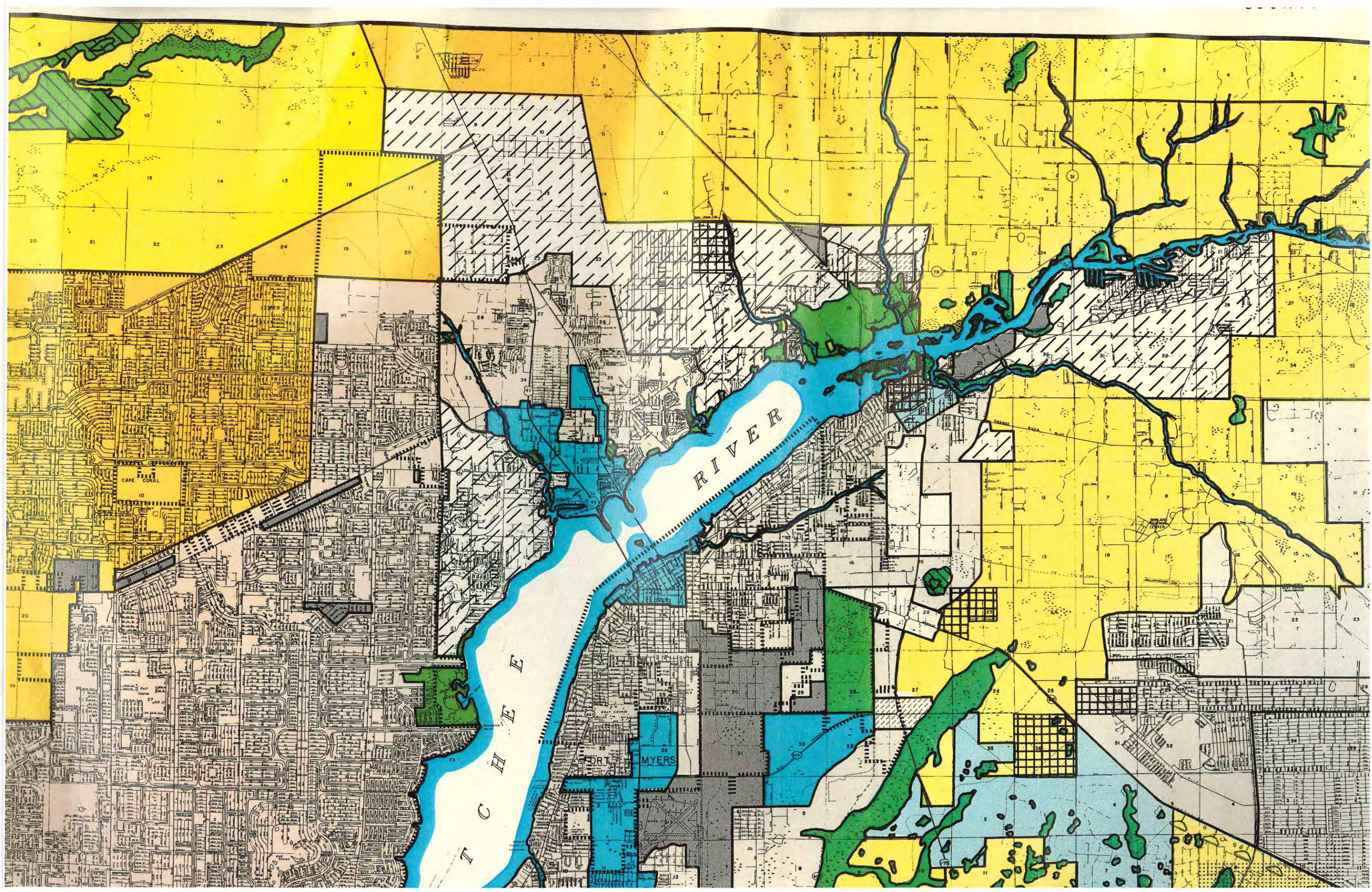
















**1990 AMENDMENTS  
TO THE LEE PLAN  
(THE LEE COUNTY COMPREHENSIVE PLAN)**

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• Volume 3 of 3 • September, 1990 •

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***Lee County Planning Division  
1831 Hendry Street  
P.O. Box 398  
Fort Myers, FL 33902-0398***

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1990 AMENDMENTS  
TO  
THE LEE PLAN  
(THE LEE COUNTY COMPREHENSIVE PLAN)

Volume 3 of 3 - September, 1990

Lee County Planning Division  
1831 Hendry Street  
P.O. Box 398  
Fort Myers, FL 33902-0398



SETTLEMENT AGREEMENT LANGUAGE:

- L. AMEND POLICY 2.1.5 REGARDING BROADCAST TOWERS TO SPECIFICALLY ADDRESS THE POTENTIAL IMPACTS OF THESE STRUCTURES ON WOOD STORKS AND TO ESTABLISH COMPLETION TIMES OF THE STUDY AND ACTION DESCRIBED IN POLICY 2.1.5.

**RESPONSE:**

As noted in the text in Section IX-C of this document, wood stork mortality can be caused by tall towers and associated guywires when such structures are located in the birds' regular feeding flight path. The current Lee Plan Policy 2.1.5 was modified from the previous plan to ensure that airport hazard areas were not the only consideration in siting tall structures. However, the policy did not explicitly mention wood storks, although they were the reason for modifying the previous policy. To clarify the wording and also to establish a completion time for the study and its implementation, Policy 2.1.5 is hereby amended to read as follows:

POLICY 2.1.5: ~~After the completion and acceptance of a special study~~ By July 1991, the county shall complete a special study on locational criteria for tall structures such as broadcast towers. These criteria shall include wood stork flight corridors from roosting and rooking areas to feeding areas as well as airport hazard areas. By July 1992, new tall structures such as broadcast towers shall be ~~encouraged~~ or required to be located in areas identified as appropriate after examining the findings of the study (see Policy 77.10.4).

PAM 89-10:

MODIFY ALL CATEGORIES WITHIN THE CITIES OF FORT MYERS AND CAPE CORAL TO MORE CLOSELY CORRESPOND WITH THEIR ADOPTED FUTURE LAND USE MAP.

**RESPONSE:**

Lee County has in the past tried to represent future land uses proposed by Fort Myers, Cape Coral, and Sanibel as closely as possible on its land use plan map. Lee County staff has met with the planning staffs of the city of Fort Myers and Cape Coral to discuss the most appropriate conversion of categories. (The 1989 Future Land Use Map reflected conversions to Sanibel's land use categories.) The Lee Plan Future Land Use Map is hereby amended to reflect these reciprocal conversions (see Figures II.D-6 and II.D-7).



It should be emphasized that the conversions are by no means exact. It would be impossible, given the widely different land use classification approaches of each entity, to arrive at an exact conversion. Furthermore, the methodology for making the conversions was different for each municipal plan. The methodologies for converting the incorporated areas of Lee County are described as follows:

City of Fort Myers

<u>Fort Myers Future Land Use Map</u>	<u>Lee Plan</u>
Low-Density Single-Family AAA, AA, A (Conversion based on density and plan's exclusion of other uses)	Suburban
Medium-Density Single-Family (Based on density)	Central Urban
Medium-Density Single Family-Duplex (Based on density)	Central Urban
Medium-Density Multi-Family (Based on density)	Central Urban
High-Density Multi-Family (Based on density allowance of commercial uses)	Intensive Development
Professional Office (Based on allowable uses)	Intensive Development
Mixed Use (Based on intensity, planned unit requirements)	Intensive Development
Neighborhood Redevelopment (Based on density)	Suburban
Waterfront Development (Based on intensity)	Intensive Development
General Commercial (Based on allowable uses)	Intensive Development
Intensive Commercial (Based on allowable uses)	Intensive Development
Light Industrial	Industrial Development
Heavy Industrial	Industrial Development
Recreation and Open Space (City has no environmental protection category)	Resource Protection Area or Public Facilities



City of Cape Coral

Cape Coral Land Use 2000

Lee Plan

Mixed Use  
(Planned unit concept, intensity)

Intensive Development  
or Central Urban

Natural Resources/Preservation  
(Similar)

Resource Protection  
Area or Transition Zone

Commercial/Professional  
(Based on allowable uses)

Intensive Development  
or Central Urban

Light Industrial  
(Similar)

Industrial Development

Multi-Family  
(Based on urban services, density)

Central Urban (on  
infill areas)  
Suburban (transition  
area)

Single-Family  
(Based on urban service, density)

Central Urban (on  
infill areas)  
Suburban (transition  
area)

Public Facilities  
(Similar)

Outlying Suburban  
(Reserve area)  
Public Facilities

Large colored maps of these proposed changes were presented at the public hearings on this matter. Reduced copies are included here as Figures II.D-6 and 7.

PAM/T 89-18:

CONSIDER THE CONSOLIDATION OR REASSIGNMENT OF THE RURAL AND OPEN LANDS CATEGORIES (INCLUDING POSSIBLE DENSITY OR USE ADJUSTMENTS TO EITHER CATEGORY, WITH CORRESPONDING CHANGES TO TABLE 1, OBJECTIVE 1.4, AND POLICIES 1.4.1 AND 1.4.2).

**RESPONSE:**

During the 1984 Lee Plan public hearings, there was considerable discussion over the development potential of the county's rural areas. In the plan as finally adopted, development was not restricted in any non-wetland areas to less than one unit per acre. This decision was made primarily to protect the loan value of land that was being farmed or might be farmed in the future. (The single-family residence provision already protected pre-existing lots, regardless of size, for residential purposes.)



FIGURE II.D-6

# FUTURE LAND USE CHANGES FOR THE CITY OF CAPE CORAL

MARCH 19, 1990

## FUTURE URBAN AREAS:

- INTENSIVE DEVELOPMENT
- CENTRAL URBAN
- URBAN COMMUNITY
- SUBURBAN
- OUTLYING SUBURBAN
- INDUSTRIAL DEVELOPMENT
- PUBLIC FACILITIES

## NON-URBAN AREAS:

- RURAL
- OPEN LANDS
- GROUNDWATER RESOURCE

## ENVIRONMENTALLY CRITICAL AREAS

- RESOURCE PROTECTION AREAS
- TRANSITION ZONES



SCALE IN MILES  
0 1 2 3 4

LOCATION MAP

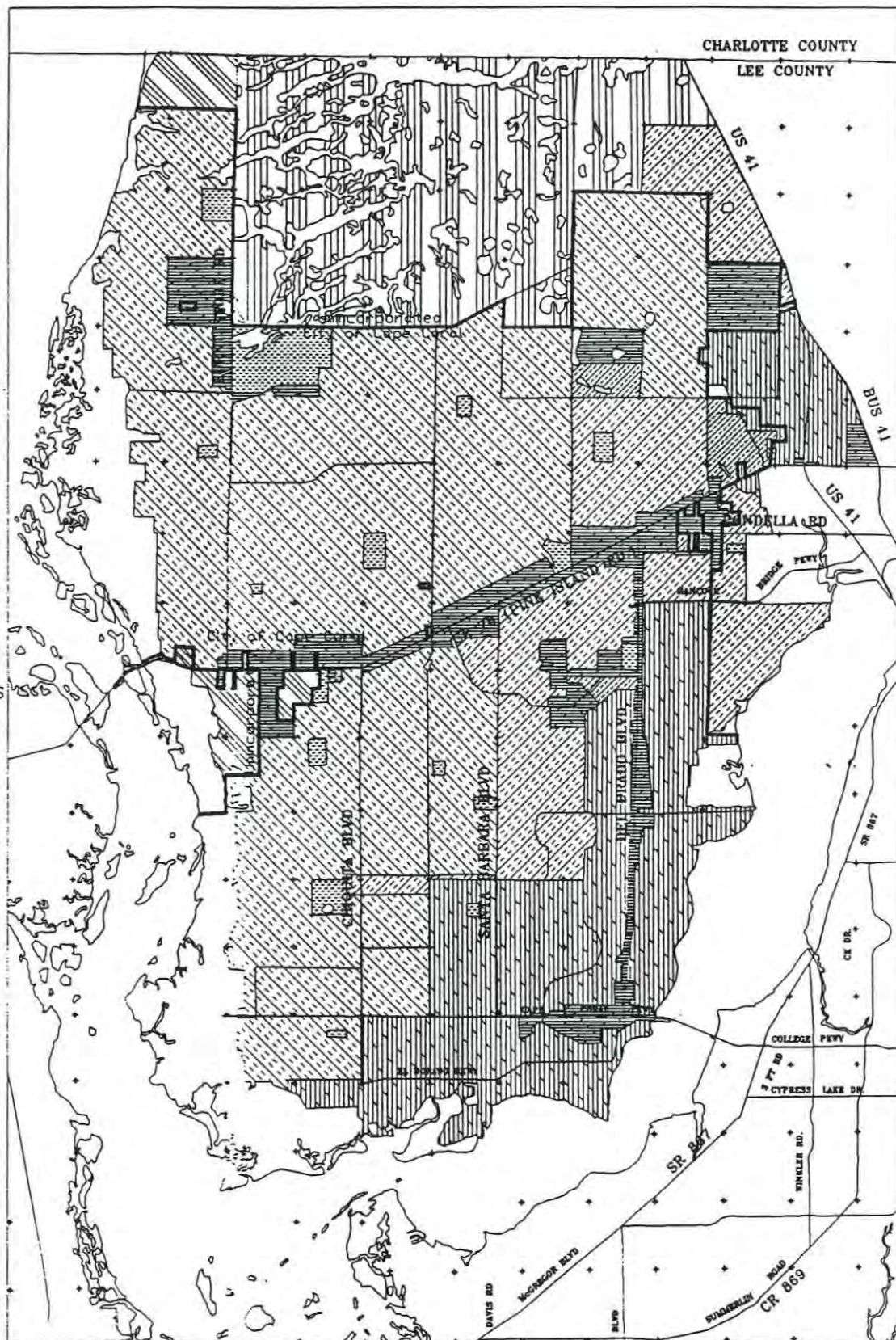




FIGURE II.D-7



# FUTURE LAND USE CHANGES FOR THE CITY OF FORT MYERS

FUTURE URBAN AREAS:

MARCH 19, 1990

-  INTENSIVE DEVELOPMENT
-  CENTRAL URBAN
-  URBAN COMMUNITY
-  SUBURBAN
-  OUTLYING SUBURBAN
-  INDUSTRIAL DEVELOPMENT
-  PUBLIC FACILITIES


INTERCHANGE AREAS

-  INDUSTRIAL
-  GENERAL COMMERCIAL

NON-URBAN AREAS:

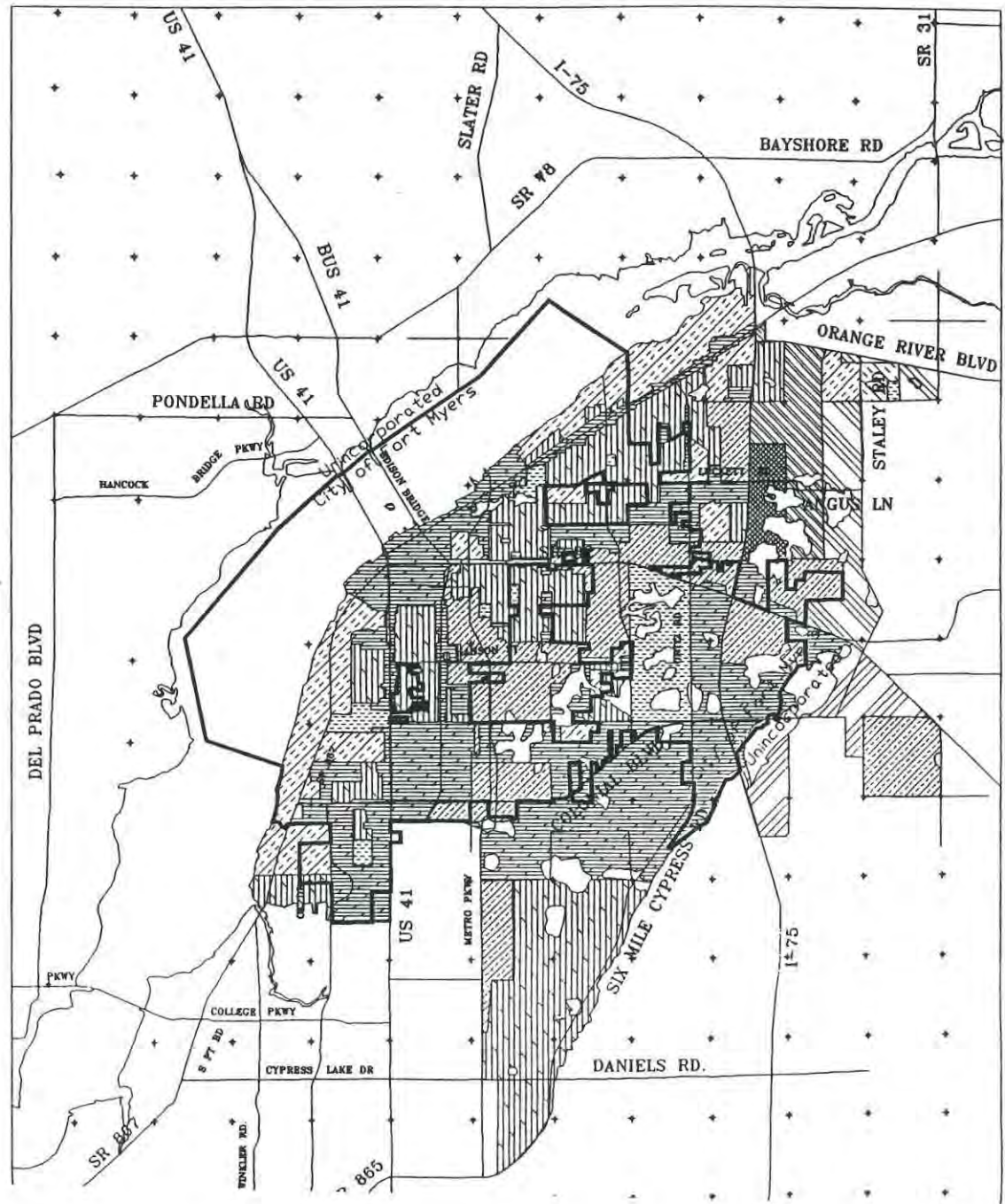
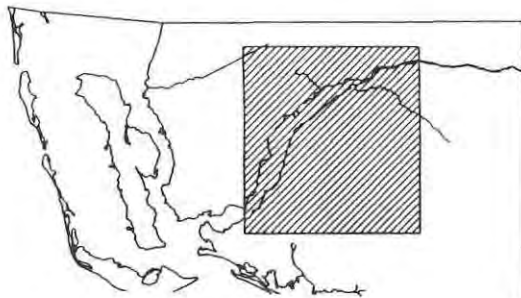
-  RURAL
-  OPEN LANDS

ENVIRONMENTALLY CRITICAL AREAS

-  RESOURCE PROTECTION AREAS  
AND  
TRANSITION ZONES



SCALE: IN MILES  
0 0.5 1.0 1.5 2.0





Two separate land use map categories were created, "Rural" and "Open Lands." The allowable uses and densities were very similar for both; the minor remaining distinction in density was eliminated by a 1987 plan amendment.

Several factors have arisen, however, which established a need to reexamine the distinction between these categories:

- (1) The Board of County Commissioners requested that the current distinction between the "Rural" and "Open Lands" categories be reevaluated during the 1989 plan amendment cycle. Objective 1.4 of the current Lee Plan mandated the filing of this plan amendment. A primary concern is whether there is any real need to continue to maintain the two separate categories.
- (2) The rules which implement the 1985/86 growth management legislation required Lee County to identify all natural groundwater recharge areas, and to assess existing regulations which govern land use in those areas [9J- 5.011(1)(g) & (h)]. The rules also required the county to address the protection of these recharge areas, including regulations on land use and development. This issue is being addressed as part of the settlement agreement (see section II.D). This action affects the resolution of the Rural/Open Lands question because it lowers the allowable densities in portions of Lee County below the current floor of one unit per acre (to one unit per 10 acres). The areas affected by this change are determined by their groundwater resource values, irrespective of their designation as "Rural" or "Open Lands."
- (3) Although the text describing the "Open Lands" category was amended in the last cycle to specifically mention that most islands (those without bridges) would be designated "Open Lands," the Lee Plan is frequently criticized for including islands and viable agricultural lands in the same category.

There were a variety of options available in response to the Board's concerns over the two categories. A number are listed below:

- (1) Decide to maintain the status quo: maintain the current distinction in the descriptions of "Rural" and "Open Lands."
- (2) Maintain the current distinction in the descriptions of "Rural" and "Open Lands," but adjust the density of one of the categories.
- (3) Combine the two categories entirely; consolidate both category descriptions into one, and select one name or the other.
- (4) Maintain both categories, but base the distinction on actual agricultural uses (or agricultural suitability), based on current agricultural exemptions or other criteria.
- (5) Combine the two categories for most of Lee County; but simultaneously create a new category for the bridge-less islands.

All lands in Lee County which are under agricultural tax exemptions have been mapped. This information was useful in deciding not to recommend that concept for differentiating between "Rural" and "Open Lands."



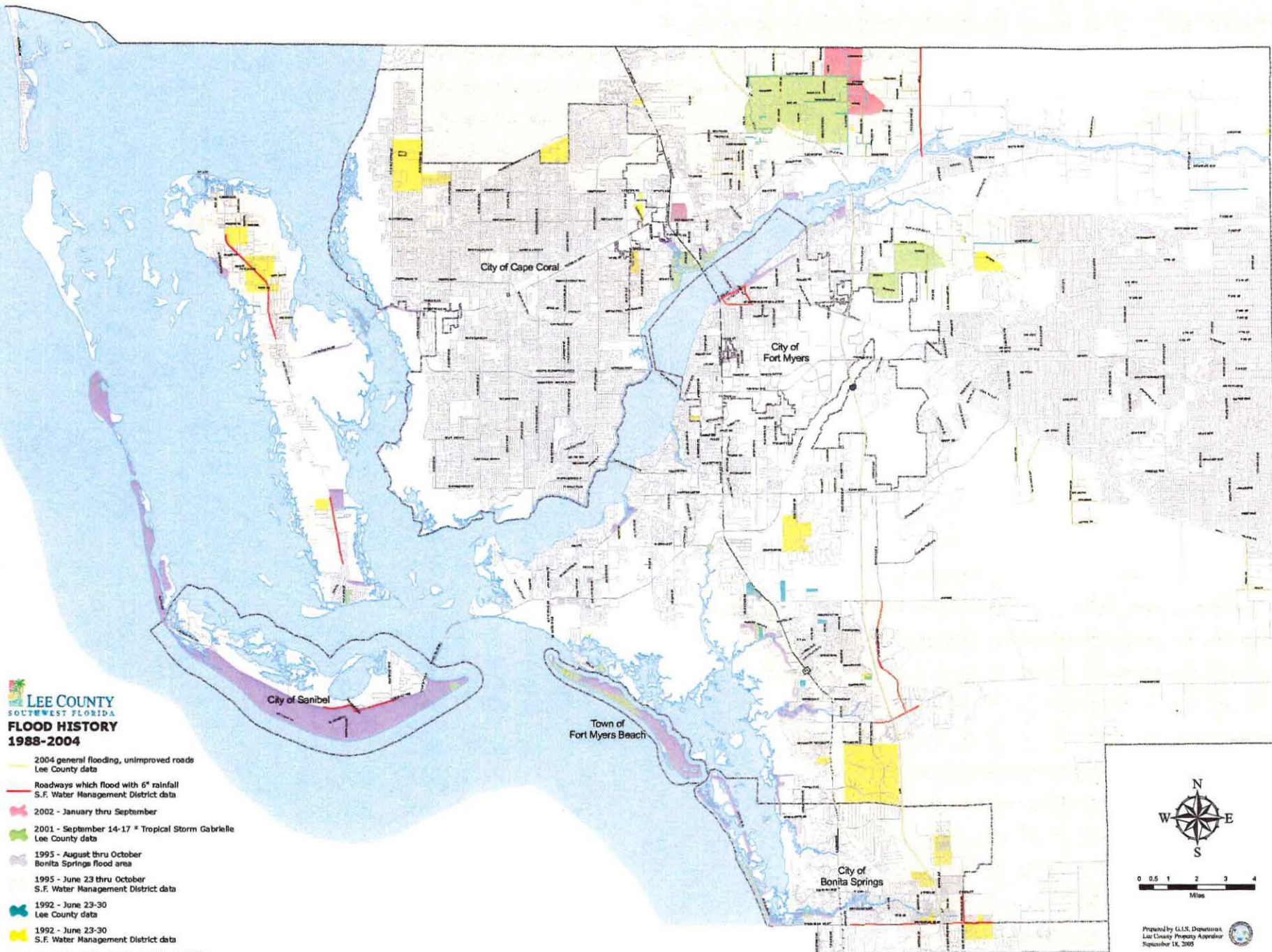
Alternative (5) just described was clearly the preferred course of action. The new "Density Reduction/Groundwater Resource" category replaced much of the land currently designated "Open Lands." All of the bridge-less islands are now included in a new category to be named "Outer Islands." The remaining land now designated "Rural" remains unchanged; and other "Open Lands" not described above becomes "Rural."

To implement this action, the changes on the following two pages are hereby made to Table 1, Objective 1.4, and Policies 1.4.1 and 1.4.2 of the Future Land Use element of the Lee Plan. In addition, the Future Land Use Map is hereby changed to reflect the redesignation of land as described in Alternative (5). Figures II.D-8 and 9 reflect the new designations. A total of 1,591 acres of land are reclassified from "Open Lands" to "Outer Islands"; a total of 2,028 acres are reclassified from "Open Lands" to "Rural"; and a total of 96,712 acres are reclassified from "Open Lands" and "Rural" to "Density Reduction/Groundwater Resource."



**LEE COUNTY**  
SOUTHWEST FLORIDA  
**FLOOD HISTORY**  
1988-2004

-  2004 general flooding, unimproved roads  
Lee County data
-  Roadways which flood with 6" rainfall  
S.F. Water Management District data
-  2002 - January thru September
-  2001 - September 14-17 \* Tropical Storm Gabrielle  
Lee County data
-  1995 - August thru October  
Bonita Springs flood area
-  1995 - June 23 thru October  
S.F. Water Management District data
-  1992 - June 23-30  
Lee County data
-  1992 - June 23-30  
S.F. Water Management District data
-  1988 - November 20 \* Tropical Storm Keith  
Lee County data

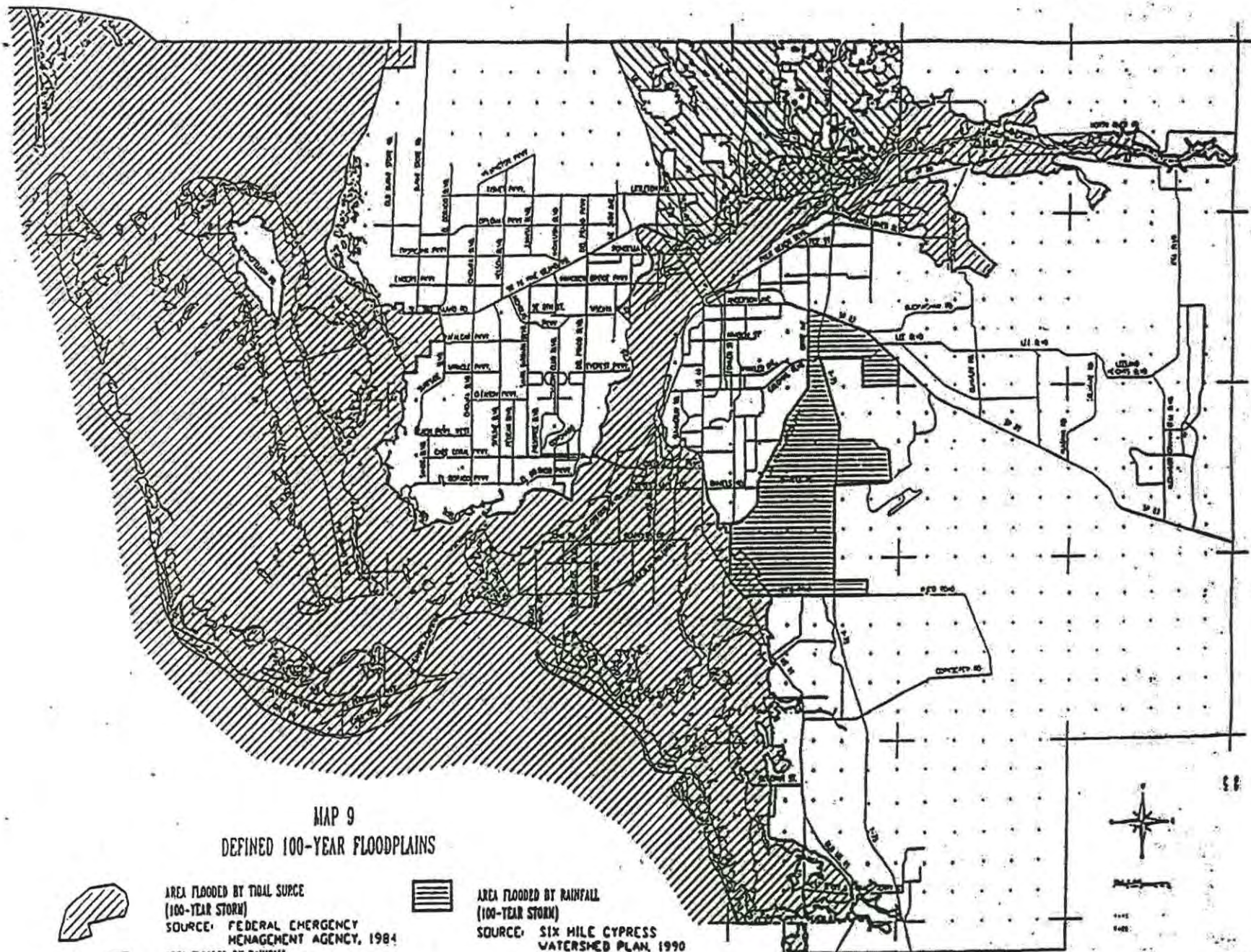


0 0.5 1 2 3 4  
Miles

Prepared by G.I.S. Department  
Lee County Property Appraiser  
September 16, 2005







MAP 9  
DEFINED 100-YEAR FLOODPLAINS



AREA FLOODED BY TIDAL SURGE  
(100-YEAR STORM)

SOURCE: FEDERAL EMERGENCY  
MANAGEMENT AGENCY, 1984

AREA FLOODED BY RAINFALL  
(100-YEAR STORM)

SOURCE: SOIL CONSERVATION  
SERVICE, 1984



AREA FLOODED BY RAINFALL  
(100-YEAR STORM)

SOURCE: SIX MILE CYPRESS  
WATERSHED PLAN, 1990



1955 A



## **"THE LEE PLAN"**

**EFFECTIVE DECEMBER 21, 1984**

**DIVISION OF PLANNING**



**I. INTRODUCTION**  
**LEE COUNTY COMPREHENSIVE PLAN**



consistent with the policies of State, regional and other local governments. Policies promoting or creating inconsistencies must be justifiable.

#### The Role of I-75 in the Comprehensive Plan

The recent completion of I-75 places Lee County in a unique position. Interchange areas which connect with County arterials increase access and create excellent opportunities for promoting planned growth designed to assist in the diversification of the County economy. Conversely, care must be taken to insure that shortsighted development does not preclude uses which will be more beneficial to Lee County in the more distant future. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between demands such as through traffic and local traffic, conservation and development, commercial development and industrial development, and tourist commercial facilities and general shopping facilities. Land uses surrounding each of the eight interchanges must be analyzed in regards to these points. Land uses should reflect demonstrated highest and best use for the future welfare of Lee County. Flexibility to promote these uses through market forces should not be prohibited.

#### Transferrable Development Rights (TDR's) and Low and Moderate Income Housing Bonuses

Provision of adequate low and moderate income housing and protection of environmentally sensitive areas are two primary objectives to be accomplished by the Plan. These objectives are best achieved through the creation and implementation of incentive systems. TDR's and bonus densities can (within reasonable limits) be acceptable tools for seeking to accomplish the above objectives, and are incorporated into the Land Use Element.

#### Urban Services Concept

To maximize efficiency and minimize cost, public expenditures should be concentrated in areas which are specified for Urban Services. Development should therefore be focused on areas where government and private utilities can best provide adequate infrastructure and services. Increased densities and land use intensities are reflected within these Urban Services areas to reflect the present or future availability of infrastructure and urban services. Conversely, land located outside the Urban Service Area reflects lower densities and lesser intensities due to the lesser commitment to infrastructure and services. The commitment to provide infrastructure within the Urban Service Area in a reasonable and efficient manner is essential to the success of the urban service concept and these plan amendments.



C. Interstate Highway Interchange Areas

The construction of Interstate Highway I-75 through a corridor that contains parts of the Central Urban Area, the Regional Airport, major anticipated Airport Commerce and Industrial/Business areas, and the Six Mile Cypress Watershed Basin, poses special planning considerations for the use of land adjacent to its interchanges. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities.

Development at these interchanges is to occur as planned developments--that is, developments that are designed as integrated, cohesive units rather than as separate, unrelated projects. This will minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures.

Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial and Industrial.

1. The Industrial Interchange Areas are shown in pink. Permitted land uses in these interchange areas will be essentially the same as those permitted in the Industrial/Business areas--that is, combinations of light industry, research, and offices. In addition, certain visitor-serving uses such as restaurants and hotels will be appropriate if they are part of an integrated office park or industrial center.
2. The General Interchange Areas, are shown in pink with pattern diagonal stripes. They are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But, because of their location, market attractions and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.
3. The General Commercial Interchange Area are shown as a blue-pink rectangle. They are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial and business.



3070

FINAL REPORT AND RECOMMENDATIONS OF THE  
LEE COUNTY LOCAL PLANNING AGENCY FOR  
ADOPTION OF AMENDMENTS TO  
THE LEE COUNTY COMPREHENSIVE PLAN

P25  
C7037  
LEE  
6-84

6/7/84



FINAL REPORT AND RECOMMENDATIONS OF THE  
LEE COUNTY LOCAL PLANNING AGENCY FOR  
ADOPTION OF AMENDMENTS TO  
THE LEE COUNTY COMPREHENSIVE PLAN

Presented to the Board of County Commissioners  
of Lee County, June 7, 1984

LPA Members

Charles Bigelow, Chairman  
Robert French, Vice Chairman  
Daniel Shaw  
William Gross  
James LaRue  
Michael Carroll



### Urban Services Concept

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### Non-Urban Development Option

To minimize the negative effects of sprawl, and to be consistent with the Urban Services Area concept, development outside the Urban Services Area may be allowed, but will not be encouraged. Criteria to guide this development should be set forth within the Plan.

## III. LAND USE ELEMENT

### A. BASIC ISSUES AND RECOMMENDATIONS

#### 1. Interstate Interchange Land Use

The completion of Interstate 75 through Lee County has created unique development opportunities at the eight interchanges and the arterials



leading to them. Special attention to these areas is needed to insure that the resultant land use is compatible at each interchange and does not develop in a haphazard manner. Highest and best use for each interstate parcel should be promoted by the Comprehensive Plan. For example, prime industrial sites created by the access and proximity to the interstate and the Southwest Florida Regional Airport should be preserved and allowed to be developed in this use. Land configurations which result in the intermixing of local and interstate travel should be discouraged.

We recommend four land use categories for the eight interchanges within Lee County. These categories are: Industrial, General Interchange, General Commercial and Industrial/Commercial. These land use categories should extend along the arterials leading to the interchanges for a specified distance. The Planned Unit Development concept should be encouraged for all resultant development proposals.

The land use categories depicted below were assigned to the following interchanges primarily in consideration of existing and projected development patterns, proximity to the airport, and access to other transportation facilities.



General Commercial

Palm Beach Boulevard (SR 80)  
Colonial (SR 884)

Industrial

Anderson Avenue (SR 82)  
Luckett Rd.

Industrial/Commercial

Alico Road

The Daniels Road interchange has been included within the Airport Commerce land use category.

The land use for the remaining interchanges (Carrell (CR 865), Corkscrew Road and Bayshore (CR 78)) should remain flexible in order to respond to expected market forces. They are designated General Interchange. However, non-local land uses at these interchanges should be stressed in order to discourage intermix of local and interstate travel. The flexibility exhibited by this strategy should allow for location of land uses supported by the market.

RECOMMENDATION

In order to implement the policies and strategies mentioned above, the LPA recommends that Section 4 (B), page 26 of the Land Use Element be changed to:

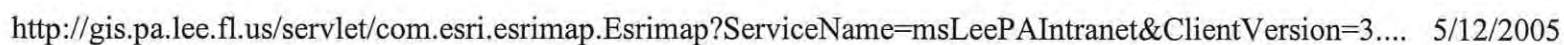


b. The General Interchange Areas are shown as red circles with diagonal pink stripes. They are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurant and gift shops. But, because of their location, market attraction and desire for flexibility, these interchange areas permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.

2. Protection of Affordable Rural Lifestyle Alternative

It was suggested that excessive regulation of Rural Areas and Open Lands by assigning low densities to them may infringe upon property rights and preclude any type of development and thereby negate an affordable alternative rural lifestyle option for future County residents. The concept of the Rural Area category providing an urban fringe for expansion and the Open Land category a reserve of larger land parcels for future development can remain valid even with increased density. Fears that reduced density within these categories will cause a proliferation of small subdivisions outside the Urban Service Area, and thus prevent assemblage of larger tracts for more efficient future use, may be unfounded. It was asserted







**ZONE NOTES QUERY REPORT**  
ZONE NOTES ID: ZONE:CPD:013398  
ZONING: CPD  
STRAP: 03-44-25-10-00000.001A

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AAA-PD-94-016, 89-08-01-DCI-01(c), ADMIN AMEND TO CPD, SUBJ TO CONDS.

AA-PD-92-013/2, 89-8-1-1-DCI(a), ADMIN AMEND IN THE CPD DIST TO ALLOW LEFT  
TURNS ONTO ORANGE RIVER BLVD, SUBJ TO CONDS.

-

AA-PD-92-013/1, 89-8-1-1-DCI(a) ADMIN AMEND APVD IN CPD DIST,  
SUBJ TO CONDS.

-

Z-89-77, 89-8-1-1 DCI DBC FM AG-2 & C-1 TO CPD SUBJ TO COND & SP-  
89-077



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, James E. Kinsey, Sr., in reference to Orange River Centre, has properly filed an application for a rezoning from C-1 and AG-2 to Commercial Planned Development, to permit a commercial shopping and office center with a 150-room motel, not to exceed 45 feet in height above average grade, on 12.5 total acres of land.

NOTE: If approved, the Master Concept Plan (available for inspection at 1831 Hendry Street in Fort Myers) will deviate from the following Lee County Standards:

- (1) Deviation from the requirement that all commercial and industrial uses shall provide a continuous visual screen of at least 8 feet in height along any lot line abutting a residential use (Section 202.14.E.1.), to allow an opaque vegetative covered fence 8 feet in height;
- (2) Deviation from the required minimum setback between structures and the centerline of arterial street without a frontage road of one-half the right-of-way plus 25 feet (Section 202.18.B.2.a.), to allow one-half the right-of-way plus 20 feet;
- (3) Deviation from the minimum setback from a structure to a water body of 25 feet (Section 202.18.B.4.b.), to allow 0 feet for an architectural feature only;
- (4) Deviation from excavation depth for water retention from 12 feet (Section 509.B.), to the first confining layer;
- (5) Deviation from the required minimum water retention excavation setbacks to a street right-of-way of 150 feet (Section 509.C.4.), to allow 25 feet;
- (6) Deviation from the required minimum water retention excavation setbacks to a private property line of 50 feet (Section 509.C.4.), to allow 25 feet;
- (7) Deviation from the requirement that a 4-foot fence be placed around excavations for water retentions when located less than 100 feet from any property under separate ownership (Section 509.F.), to require no fencing;
- (8) Deviation from the required minimum intersection separation of 660 feet along arterial streets (DSO Section C.3.h.), to 435 feet and 525 feet.
- (9) Deviation from the requirement that the density of transient hotel/motel units be calculated at 1,700 square feet per unit (Section 514.B.4.), to permit the density of transient hotel/motel units to be calculated at 875 square feet per unit with a maximum of 150 units.



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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- (7) Deviation from the requirement that a 4-foot fence be placed around excavations for water retentions when located less than 100 feet from any property under separate ownership (Section 509.F.), to require no fencing;
- (8) Deviation from the required minimum intersection separation of 660 feet along arterial streets (DSO Section C.3.h.), to 435 feet and 525 feet.
- (9) Deviation from the requirement that the density of transient hotel/motel units be calculated at 1,700 square feet per unit (Section 514.B.4.), to permit the density of transient hotel/motel units to be calculated at 875 square feet per unit with a maximum of 150 units.



WHEREAS, the subject property is located on the southeast quadrant of I-75 and SR-80, bounded on the east by Orange River Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 44 South, Range 25 East, Lee County;

That portion of Lots 9 and 16, of Block 3, TERRY, TICE & VANDAWALKER'S SUBDIVISION, as recorded in Plat Book 1, page 46 of the public records of Lee County, Florida, described as follows:

Begin at the intersection of the center line of Orange River Boulevard and the West line of said Lots 9 and 16 (same being the Southwest corner of said Lot 16) and run North on the West line of Lots 9 and 16, 241 feet to the POINT OF BEGINNING of the property herein described; THENCE continue North along the West line of said Lots 9 and 16, 759.14 feet to the Southerly right-of-way line of Palm Beach Boulevard; THENCE N.58°48'03"E. along the said Southerly right-of-way line, 357.96 feet to its intersection with the Westerly right-of-way line of Boat Ways Road (50 foot right-of-way); THENCE S.00°03'25"W. along said right-of-way line 942.61 feet; THENCE S.89°37'55"W. and parallel to the South line of Lot 16, 305.26 feet to the POINT OF BEGINNING; together with that portion of an abandoned roadway lying between said Lots 9 and 16. Being in Section 03, Township 44 South, Range 25 East, Lee County Florida. 5.7 acres more or less.

AND

Lots 4, 5 and 8 1/2 together with those portions of abandoned roadways lying between said lots in Block 3, Terry, Tice and Vandawalker's Subdivision, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court recorded in plat Book 1, Page 46, excepting therefrom that portion described in order of taking recorded in O.R. Book 1123, Page 910, Public Records of Lee County, Florida. Also excepting therefrom that portion described in order of taking recorded in O.R. Book 1358, Page 2335, Public Records of Lee County, Florida. Less the Southerly 216 feet.

AND

Begin at the intersection of the North line of Orange River Boulevard and the East line of Lot 15, Terry, Tice & Vandawalker's Subdivision, according to plat thereof recorded in Plat Book 1, Page 46, of the Public Records of Lee County, Florida, THENCE run North at right angles to Orange River Boulevard, a distance of 459.7 feet to POINT OF BEGINNING of land herein described; THENCE West at right angles 73 feet; THENCE North at right angles 180 feet; THENCE East at right angles 73 feet; THENCE South at right angle 180 feet to POINT OF BEGINNING, less and except that part of said premises lying within I-75 corridor.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 03-44-25-01-00044.0000;

03-44-25-01-00045.0020; and

03-44-25-01-00046.0070; and

WHEREAS, proper authorization has been given to David M. Jones, Jr. & Associates, Inc., and Humphrey & Myers, P.A., by James E. Kinsey, Sr., trustee, the fee simple owner of the subject parcel, to act as agent to pursue this zoning application; and



WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on August 1, 1989, September 6, 1989, and September 13, 1989; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning from C-1 and AG-2 to Commercial Planned Development, subject to the following conditions:

- a. The development of this property shall be in accordance with the one-page Master Concept Plan entitled Orange River Centre, completed for Mr. James Kinsey, Kinsey Associates, Inc., Realtors, prepared by David M. Jones, Jr., and Associates, Plan dated March 7, 1989, revised June 22, 1989, and stamped received June 26, 1989, except as may be modified by the conditions herein. Approval of this request does not exempt the applicant from compliance with all development regulations, except as specifically approved herein.
- b. The maximum total floor area shall be limited to 100,000 square feet, of which no more than 40,000 square feet of retail use (those uses which must meet site location standards) shall be developed. The maximum allowable height shall be 45 feet above average grade or two habitable floors except that any motel constructed on the subject real estate may have one cupola or small decorative structure which shall not exceed 53 feet above average grade.
- c. The uses allowed on the portions of the Master Concept Plan designated as Tracts A, B, C and D are set out in the chart below with an "X" designating the specific use as allowed on the tract represented by that column of the chart (asterisks indicate uses not allowed to be developed on the two southernmost parcels in Tract D):

LAND USE	TRACT			
	'A'	'B'	'C'	'D'
Animal Clinic (df)		X	X	X
Animal Kennel (df)		X		X*
Automatic Teller Machines (ATM'S)	X	X		X*
Auto Parts Store, no installation or service	X	X		X*
Auto Repair and Service	X	X		X*
Group I				
Section 1001.02				



LAND USE	TRACT			
	'A'	'B'	'C'	'D'
Automobile Service Station, Limited	X	X		X*
Banks and Financial Establishments	X	X	X	X
All Groups				
Section 1001.03				
Bar or Cocktail Lounge (see condition d)		X		X*
Boat Parts Stores, no installation or service		X		X*
Broadcasting Studio		X	X	X
Commercial Radio and Television				
Section 547				
Business Services		X	X	X
Group I and II, All Categories				
Section 1001.05				
Car Wash (df)	X	X		X*
Cleaning and Maintenance Services		X		X
Section 1001.07				
Clothing Stores, General		X		X
Section 1001.08				
Clubs		X		X
Commercial, Fraternal, Membership Organization, Section 202.08				
Consumption on Premises - 2	X	X		X*
Section 202.03 (see condition d)				
Convenience Food and Beverage Stores (df)	X	X		
Day Care Center		X	X	X
Child and/or Adult				
Section 506(1)				
Drive-thru Facility	X	X		X*
For any permitted use				
Drugstore	X	X		X
Excavation	X	X	X	X
Water Retention				
Section 509				
Food Store	X	X	X	X*
Group I and II				
Section 1001.16				
Governmental Services	X	X	X	X
Standard Office Space				
Hardware Store (df)	X	X		X
Health Care Facility	X	X		X
Group III				
Sections 512 and 1001.20				
Hobby, Toy and Game Shops		X		X
Section 1001.21				
Hotel/Motel				X
Section 514, not on south 250' of Tract D				
Household/Office Furnishings	X	X		X
Group I and II				
Section 1001.22				
Insurance Companies	X		X	X
Section 1001.23				
Laundry or Dry Cleaning	X	X		X*
Group I				
Section 1001.24				
Lawn and Garden Supply Store (df)	X	X		X
Section 523				
Music Store (df)	X	X		X
Night Club (df)	X	X		X*
Non-store Retailers		X		X
All Groups				
Section 1001.30				



LAND USE	TRACT			
	'A'	'B'	'C'	'D'
Offices, Medical			X	X
Package Store (see condition d.)	X	X		X*
Section 202.03				
Paint, Glass, and Wallpaper Store (df)	X	X		X
Parks, Public and Private (df)		X	X	X
Group I				
Section 1001.32				
Personal Services		X	X	X
All Groups				
Section 1001.33				
Pet Shop (df)		X		X
Pharmacy (df)	X	X		X
Recreation, Commercial		X	X	X
Group II and IV				
Section 1001.38				
Recreation Facilities		X	X	X
Personal, Private, Public (df)				
Religious Facilities			X	X
Section 521				
Repair Shops		X		X
Group I and II				
Section 1001.40				
Restaurant, Fast Food (df)	X	X		X*
Restaurants, Standard	X	X		X*
All Groups				
Section 1001.44				
Schools, Commercial		X		X
Section 1001.45				
Self Service Fuel Pumps (df)				
Ancillary to a permitted use	X	X		
Self Service Fuel Pump Station (df)	X	X		
Signs	X	X	X	X
Provided same comply with the Lee County Sign Ordinance				
Social Services		X		X*
Group I				
Section 1001.46				
Specialty Retail Shop	X	X		X
Groups I, II, III and IV				
Section 1001.47				
Studios		X	X	X
Section 1001.49				
Used Merchandise Stores				
Groups I and II only				
Section 1001.54				
Variety Store (df)	X	X		X

- d. A bar or cocktail lounge and consumption on premises shall be allowed only in accordance with Section 202.03.D.1.a.1. of the Zoning Ordinance, as amended. Only one consumption on premises, one bar or cocktail lounge, and one package store shall be allowed on the real estate represented by the Master Concept Plan.
- e. The fronts of any building adjacent to Orange River Boulevard shall be oriented to face away from Orange River Boulevard.
- f. Utility transformers, waste and rubbish storage areas, loading docks and similar accessory equipment located within the area represented by the Master Concept Plan shall be screened from view.



- g. All structures shall be designed to be architecturally compatible with one another and landscaping arranged to compliment and tie together the designs among individual parcels. This condition shall be incorporated into all pertinent covenants and restrictions involved in the sale or lease of any portion of the subject property and incorporated in the rules, restrictions and covenants of any property owners or tenants association.
- h. A type "C" buffer shall be provided along all property lines abutting residential uses. The buffer shall include an eight (8) foot high fence and the number of trees and shrubs required for a type "D" buffer.
- i. The rezoning by approval of the Master Concept Plan does not certify or indicate in any way that this project's traffic impacts have been mitigated. Additional conditions to mitigate traffic impacts, including but not limited to additional left turn lanes on to S.R. 80, may be required before issuance of a local development order.
- j. The southerly driveway access to the East-West portion of Orange River Blvd shown on the Master Concept Plan shall be eliminated.
- k. The northernmost driveway or access point, shown on the Master Concept Plan as 435 feet from Palm Beach Boulevard, shall be constructed in a manner which allows departing vehicles to make only right turns and a median sufficient to prevent vehicles approaching S.R. 80 from the south from making left turns into this driveway or access point shall be installed at the Applicant's expense following design approval by Lee County DOT&E.
- l. There shall be no direct vehicular access from the real estate represented in the Master Concept Plan onto Orange River Boulevard except at those driveway access points shown on the approved Master Concept Plan. This condition shall be incorporated into all pertinent covenants and restrictions imposed on purchasers of any of the subject real estate and shall be known to and associated with any property owners or tenants association connected with the subject real estate.
- m. Public utility water service shall be required. Temporary septic tanks shall be allowed within this development upon proper application and approval by the appropriate permitting agencies provided that the permitted uses in the overall development do not produce or are not rated or considered to produce, in total, more than 5,000 gallons of sewage per day. Upon a determination by the appropriate agencies of Lee County that the 5,000 gallon per day standard has been met or exceeded, septic tank use shall be discontinued.
- n. The existing native vegetation along the western property line shall be preserved and a plan showing preservation of this vegetation shall be provided prior to final plan approval.
- o. Hurricane Mitigation  
  
The following conditions with respect to hurricane impact mitigation shall be imposed on any hotel, motel or lodging facility constructed on any portion of the real estate represented by the approved Master Concept Plan:
  1. The owner of the motel/hotel shall establish and maintain a written emergency plan that consists of appropriate procedures to be followed in the event of a hurricane emergency.



2. The owner of the motel/hotel will coordinate the development of said written emergency plan with the Lee County Department of Public Safety.

p. Emergency Medical Service

1. The applicant shall provide for the Emergency Medical Service impacts generated by the proposed development (must be in compliance with the EMS fire related impact fee ordinance).
2. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss 1) the designation of emergency helicopter landing zone(s); and 2) the accessibility of the EMS unit.

q. Fire Protection

The applicant shall contact the respective fire protection district to discuss the proposed development in relation to the potential type, use and storage of hazardous materials which will be located on the premises.

Deviation (1) is hereby APPROVED as restricted in condition h.

Deviation (2) has been WITHDRAWN by the applicant.

Deviation (3) is hereby APPROVED for the following accessory structures only: decks, porches, cabanas, gazebos, and pedestrian bridges.

Deviation (4) is hereby APPROVED subject to the following condition:

The depth of the confining layer shall be established by the submittal of test borings from a registered engineer from the location of the proposed excavation prior to the approval of a final development order.

Deviation (5) is hereby APPROVED subject to the following condition:

No retention areas shall be placed within the existing or proposed rights-of-way pursuant to the Lee County Trafficways Map.

Deviation (6) is hereby APPROVED subject to the following condition:

The setback reduction is only allowed if there is a fence between the subject property and the property to the south and southwest (areas abutting single family homes).

Deviation (7) is hereby APPROVED.

Deviation (8) is hereby APPROVED subject to the following condition:

The northernmost access point, which would be located 435 feet from Palm Beach Boulevard, shall be allowed only with right turns in and out, and a median shall be developed subject to design approval by the Director of the Lee County Department of Transportation and Engineering.

Deviation (9) is hereby APPROVED subject to the condition that the transient hotel/motel be calculated at 995 square feet per unit or 44 units per acre. Only a maximum of 120 units shall be allowed to be developed on tract "D" (not on the south 250 feet of tract "D").



Site Plan 89-077 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. That the nature of commercial development in this area, the manner in which I-75 was constructed and the classification of this I-75 interchange as General Commercial in the Lee Plan created an island of commercial property which is not presently marketable without approval of a use or group of uses which accommodate I-75 travelers, and that these circumstances constitute changed or changing conditions which make the approval of this rezoning appropriate.
- B. That approval of the requested Commercial Planned Development will have a positive impact on the intent of the Zoning Ordinance in view of the land use category of the subject real estate and the practical need for moderate priced lodging facilities located where they will serve the traveling public.
- C. That the proposed use is consistent with the stated goals, objectives, policies and intent of the Lee Plan, as last amended.
- D. That the proposed Commercial Planned Development, subject to conditions and deviations, meets all of the performance and locational standards of the Lee Plan and of the Zoning Ordinance except for those deviations approved as part of this request.
- E. That the requested rezoning does not involve a change to a Future Urban Area category.
- F. That urban services are presently available at this location.
- G. That the requested rezoning to Commercial Planned Development, subject to conditions and deviations, is consistent with the densities, intensities and general uses set forth in the Lee Plan, as last amended.
- H. That the requested rezoning to Commercial Planned Development, subject to conditions and deviations, will be compatible with existing and planned land uses in the area. That, due to the classification of this area in the Lee Plan as a General Commercial Interchange, any potential incompatibility with the residential uses located across Orange River Boulevard is adequately addressed by Orange River Boulevard, which separates and buffers the proposed Commercial Planned Development, and the requirement that the buildings constructed abutting Orange River Boulevard have the front facing west further buffers the adjoining areas from traffic impacts and noise.
- I. That the requested rezoning to Commercial Planned Development, subject to conditions and deviations, will not cause damage, hazard or nuisance or other detriment to persons or property and will not place an undue burden on existing transportation services or on existing government services or facilities.
- J. That the requested rezoning to Commercial Planned Development, subject to conditions and deviations, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the requested use.



The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John Manning, and seconded by Commissioner Bill Fussell and, upon being put to a vote, the result was as follows:

John E. Manning	<u>aye</u>
Charles L. Bigelow, Jr.	<u>absent</u>
Ray Judah	<u>aye</u>
Bill Fussell	<u>aye</u>
Donald D. Slisher	<u>absent</u>

DULY PASSED AND ADOPTED this 27th day of November, A.D., 1989.

ATTEST:  
CHARLIE GREEN, CLERK

BY:

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:

Chairman

Approved as to form by:

County Attorney's Office

**FILED**

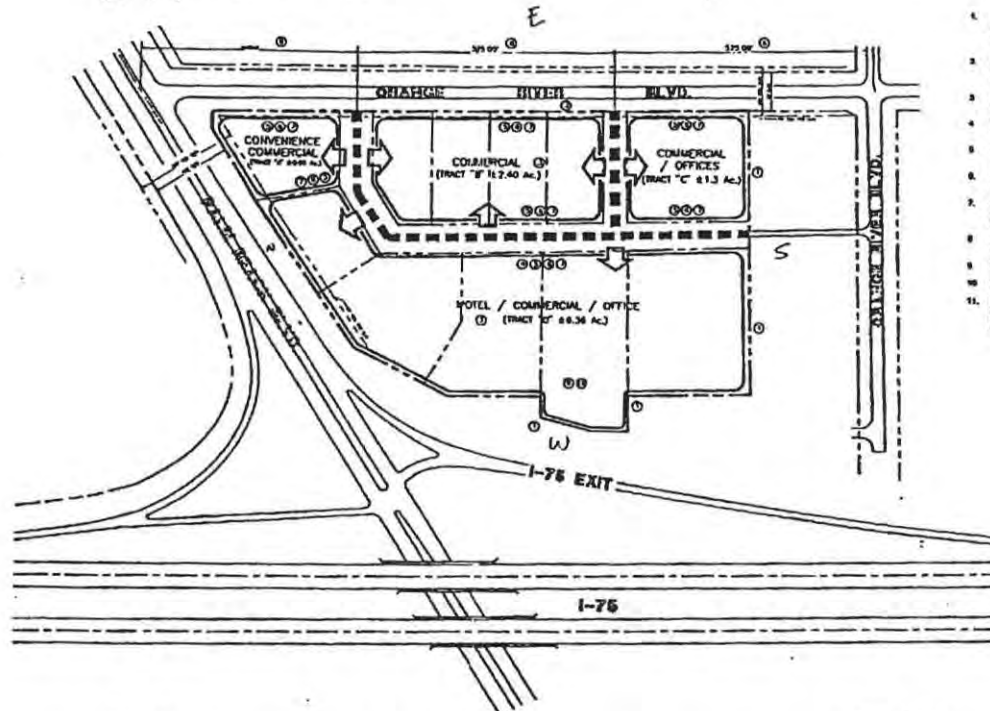
MAR 05 90

CLERK CIRCUIT COURT  
BY Charlie Green D.C.



[illegible]

STAFF 1.



APPROVED

Mr. Tolson - 8/27/48  
 Mr. E. A. Tamm - 8/27/48  
 Mr. Clegg - 8/27/48  
 Mr. Glavin - 8/27/48  
 Mr. Ladd - 8/27/48  
 Mr. Nichols - 8/27/48  
 Mr. Rosen - 8/27/48  
 Mr. Tracy - 8/27/48  
 Mr. Carson - 8/27/48  
 Mr. Egan - 8/27/48  
 Mr. Gurnea - 8/27/48  
 Mr. Hendon - 8/27/48  
 Mr. Pennington - 8/27/48  
 Mr. Quinn - 8/27/48  
 Mr. Nease - 8/27/48  
 Miss Gandy - 8/27/48

6. Derivation from the requirement that all governmental and industrial water supply systems be constructed with a minimum of 4 feet 6 inches high to fight leakage for any line that is not a mainline. See the following Table C.2.3, to allow an additional 10% increase in the required cover over the 4 ft 6 in height.
7. Derivation from the minimum internal, buttress structures, and the continuity of support around natural hollows found in US Dept of water 611, para 72 (b) 2. The minimum result would be 12 ft 6 in, to the right-way-line 10 ft wide.
8. Derivation from the minimum internal from a structure to a water body of 22 feet (Section 108 F.10.4.5), to be kept for a pre-approved hollow, i.e. maximum depth.
9. Derivation from experience data for water retention have 12 feet (Section 108 F.10.4.5.1) for water retention.
10. Derivation from the minimum water retention minimum indicated to a street right-of-way of 108 feet (Section C.4.1.2) to 25 feet.
11. Derivation from the minimum water retention minimum indicated to a process property line of 108 feet (C.4.1.2) to 25 feet.
12. Derivation from the requirement that a ditch line be placed around natural hollows, to be 108 feet from the ditch line 108 feet from the property under separate construction (99% FL) to require no building.
13. Derived from the minimum indicated indication of 108 feet strong around (100% Section C.2.3.3.4) to a 108 hollow 100 feet.

Reference:  
14. Wetmore.

15. Derivation from the requirement that the density of mineral hydrocarbon waste be equivalent to 1,799 square feet per acre (91% FL), to permit the density of hydrocarbon waste to be estimated at 1795 square feet per acre with a density of 1795.

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SCALE: 1" = 100'-0"



### POSTULI E CONCLUSIONI

FORWARD TO  
MR. JAMES HUNDEY  
HUNDEY ASSOCIATES, INC., 2440 S.W.  
240 WEST STREET PORTLAND, OR 97201  
(503) 224-1247

FORWARDED BY  
DAVE H. HUNDEY & ASSOCIATES, INC.  
PLANNING AND LANDSCAPE ARCHITECTS  
240 WEST STREET PORTLAND, OREGON  
(503) 224-1247

# ORANGE RIVER CENTRE

REVISION	DATE	MAP-H
DIFFICULTY RESPONSE	03-01-87	
DIFFICULTY RESPONSE	05-22-88	

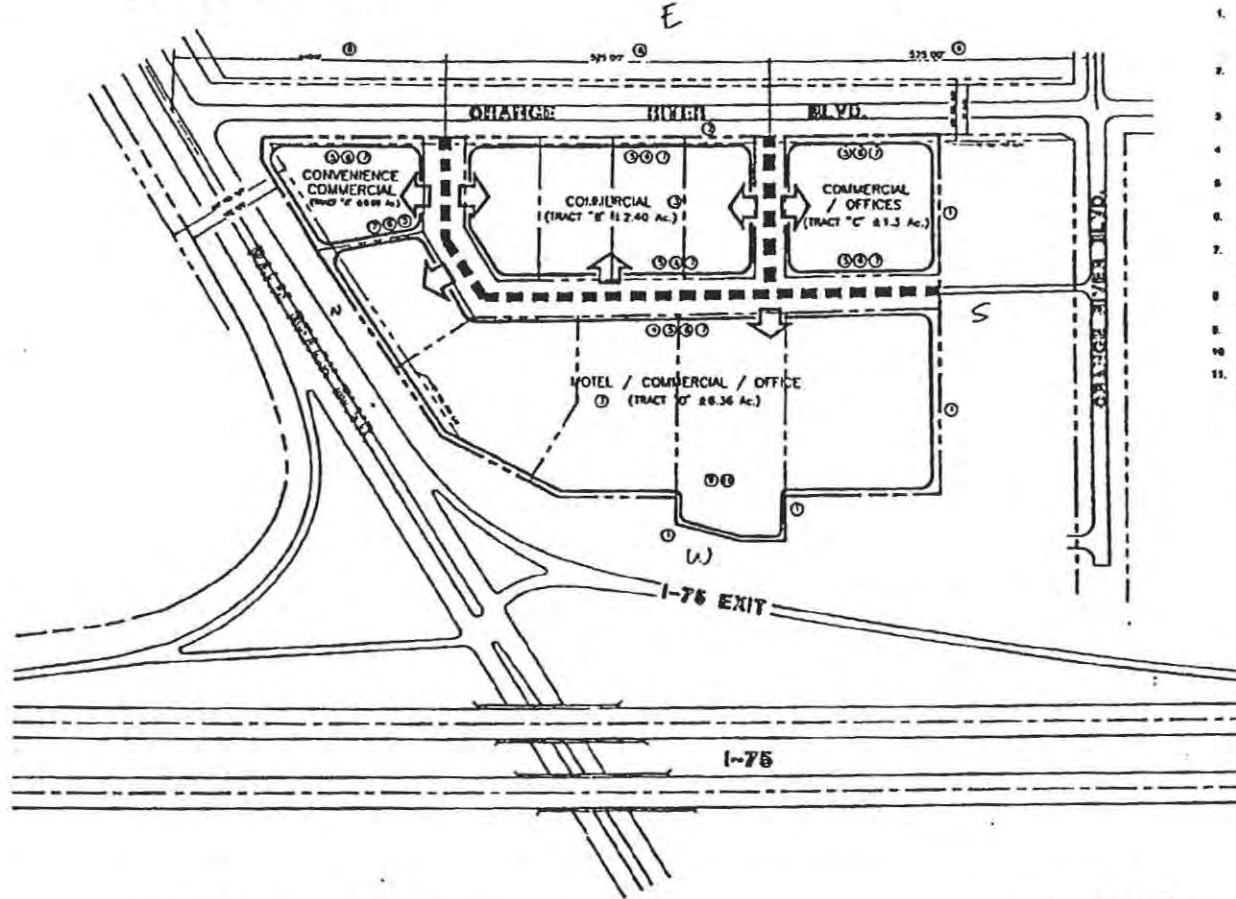
## MASTER CONCEPT PLAN



# SCHEDULE OF USES

Land Use	Tract	Notes
Single Family Detached	1	
Single Family Attached (Row)	2	
Single Family Attached (Townhouse)	3	
Single Family Attached (Duplex)	4	
Single Family Attached (Triplex)	5	
Single Family Attached (Fourplex)	6	
Single Family Attached (Fiveplex)	7	
Single Family Attached (Sixplex)	8	
Single Family Attached (Sevenplex)	9	
Single Family Attached (Eightplex)	10	
Single Family Attached (Nineplex)	11	
Single Family Attached (Tenplex)	12	
Single Family Attached (Elevenplex)	13	
Single Family Attached (Twelveplex)	14	
Single Family Attached (Thirteenplex)	15	
Single Family Attached (Fourteenplex)	16	
Single Family Attached (Fifteenplex)	17	
Single Family Attached (Sixteenplex)	18	
Single Family Attached (Seventenplex)	19	
Single Family Attached (Eighteenplex)	20	
Single Family Attached (Nineteenplex)	21	
Single Family Attached (Twentyplex)	22	
Single Family Attached (Twentyoneplex)	23	
Single Family Attached (Twentytwoplex)	24	
Single Family Attached (Twentythreeplex)	25	
Single Family Attached (Twentyfourplex)	26	
Single Family Attached (Twentyfiveplex)	27	
Single Family Attached (Twentysixplex)	28	
Single Family Attached (Twentysevenplex)	29	
Single Family Attached (Twentyeightplex)	30	
Single Family Attached (Twentynineplex)	31	
Single Family Attached (Thirtyplex)	32	
Single Family Attached (Thirtyoneplex)	33	
Single Family Attached (Thirtytwoplex)	34	
Single Family Attached (Thirtythreeplex)	35	
Single Family Attached (Thirtyfourplex)	36	
Single Family Attached (Thirtyfiveplex)	37	
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Single Family Attached (Thirtysixplex)	73	
Single Family Attached (Thirtysixplex)	74	
Single Family Attached (Thirtysixplex)	75	
Single Family Attached (Thirtysixplex)	76	
Single Family Attached (Thirtysixplex)	77	
Single Family Attached (Thirtysixplex)	78	
Single Family Attached (Thirtysixplex)	79	
Single Family Attached (Thirtysixplex)	80	
Single Family Attached (Thirtysixplex)	81	
Single Family Attached (Thirtysixplex)	82	
Single Family Attached (Thirtysixplex)	83	
Single Family Attached (Thirtysixplex)	84	
Single Family Attached (Thirtysixplex)	85	
Single Family Attached (Thirtysixplex)	86	
Single Family Attached (Thirtysixplex)	87	
Single Family Attached (Thirtysixplex)	88	
Single Family Attached (Thirtysixplex)	89	
Single Family Attached (Thirtysixplex)	90	
Single Family Attached (Thirtysixplex)	91	
Single Family Attached (Thirtysixplex)	92	
Single Family Attached (Thirtysixplex)	93	
Single Family Attached (Thirtysixplex)	94	
Single Family Attached (Thirtysixplex)	95	
Single Family Attached (Thirtysixplex)	96	
Single Family Attached (Thirtysixplex)	97	
Single Family Attached (Thirtysixplex)	98	
Single Family Attached (Thirtysixplex)	99	
Single Family Attached (Thirtysixplex)	100	

STAFF 1



# SCHEDULE OF DEVIATION

- Deviation from the requirement that all commercial and industrial uses shall provide a minimum amount of parking at least 100 feet in length along any lot line abutting a residential street (Section 14.1.1.1 and also Table C-2), to allow an adjacent residential street to be built in height.
- Deviation from the minimum setback between structures and the centerline of original street without frontage road of 1/2 the right-of-way plus 25 feet; to 1/2 the right-of-way plus 25 feet.
- Deviation from the minimum setback from a structure to a water body of 25 feet (Section 14.1.1.1, to 0 feet for an architectural feature only, e.g. wooden dock).
- Deviation from the minimum depth for water retention from 12 feet (Section 14.1.1.1, to 10 feet for an architectural feature only, e.g. wooden dock).
- Deviation from the minimum water retention excavation setbacks to a street right-of-way of 100 feet (Section C-4) to 25 feet.
- Deviation from the minimum water retention excavation setbacks to a private property line of 30 feet (Section C-4) to 25 feet.
- Deviation from the requirement that a 4-foot fence be placed around excavations for water retention when located less than 100 feet from any property under separate ownership (Section 14.1.1.1), to require no fencing.
- Deviation from the minimum excavation separation of 100 feet along arterial streets (Section C-3 b, 1) to 40 feet and a 40 feet.
- Withdrawn.
- Withdrawn.
- Deviation from the requirement that the density of transient hotel/motel units be calculated at 1,700 square feet per unit (Section 14.1.1.1, to permit the density of transient hotel/motel units to be calculated at 875 square feet per unit with a maximum of 150 units.

# SITE DATA

Land Use	Tract	Acres
Commercial (Office)	A	41.0 Acres
Commercial (Office)	B	1.0 Acres
Commercial (Office)	C	1.0 Acres
Total Tracts A + B + C		43.0 Acres
Office/Commercial	D	1.0 Acres
Office/Commercial	E	1.0 Acres
Office/Commercial	F	1.0 Acres
Office/Commercial	G	1.0 Acres
Office/Commercial	H	1.0 Acres
Office/Commercial	I	1.0 Acres
Office/Commercial	J	1.0 Acres
Office/Commercial	K	1.0 Acres
Office/Commercial	L	1.0 Acres
Office/Commercial	M	1.0 Acres
Office/Commercial	N	1.0 Acres
Office/Commercial	O	1.0 Acres
Office/Commercial	P	1.0 Acres
Office/Commercial	Q	1.0 Acres
Office/Commercial	R	1.0 Acres
Office/Commercial	S	1.0 Acres
Office/Commercial	T	1.0 Acres
Office/Commercial	U	1.0 Acres
Office/Commercial	V	1.0 Acres
Office/Commercial	W	1.0 Acres
Office/Commercial	X	1.0 Acres
Office/Commercial	Y	1.0 Acres
Office/Commercial	Z	1.0 Acres
Office/Commercial	AA	1.0 Acres
Office/Commercial	AB	1.0 Acres
Office/Commercial	AC	1.0 Acres
Office/Commercial	AD	1.0 Acres
Office/Commercial	AE	1.0 Acres
Office/Commercial	AF	1.0 Acres
Office/Commercial	AG	1.0 Acres
Office/Commercial	AH	1.0 Acres
Office/Commercial	AI	1.0 Acres
Office/Commercial	AJ	1.0 Acres
Office/Commercial	AK	1.0 Acres
Office/Commercial	AL	1.0 Acres
Office/Commercial	AM	1.0 Acres
Office/Commercial	AN	1.0 Acres
Office/Commercial	AO	1.0 Acres
Office/Commercial	AP	1.0 Acres
Office/Commercial	AQ	1.0 Acres
Office/Commercial	AR	1.0 Acres
Office/Commercial	AS	1.0 Acres
Office/Commercial	AT	1.0 Acres
Office/Commercial	AU	1.0 Acres
Office/Commercial	AV	1.0 Acres
Office/Commercial	AW	1.0 Acres
Office/Commercial	AX	1.0 Acres
Office/Commercial	AY	1.0 Acres
Office/Commercial	AZ	1.0 Acres
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Office/Commercial	BN	1.0 Acres
Office/Commercial	BO	1.0 Acres
Office/Commercial	BP	1.0 Acres
Office/Commercial	BQ	1.0 Acres
Office/Commercial	BR	1.0 Acres
Office/Commercial	BS	1.0 Acres
Office/Commercial	BT	1.0 Acres
Office/Commercial	BU	1.0 Acres
Office/Commercial	BV	1.0 Acres
Office/Commercial	BW	1.0 Acres
Office/Commercial	BX	1.0 Acres
Office/Commercial	BY	1.0 Acres
Office/Commercial	BZ	1.0 Acres
Office/Commercial	CA	1.0 Acres
Office/Commercial	CB	1.0 Acres
Office/Commercial	CC	1.0 Acres
Office/Commercial	CD	1.0 Acres
Office/Commercial	CE	1.0 Acres
Office/Commercial	CF	1.0 Acres
Office/Commercial	CG	1.0 Acres
Office/Commercial	CH	1.0 Acres
Office/Commercial	CI	1.0 Acres
Office/Commercial	CJ	1.0 Acres
Office/Commercial	CK	1.0 Acres
Office/Commercial	CL	1.0 Acres
Office/Commercial	CM	1.0 Acres
Office/Commercial	CN	1.0 Acres
Office/Commercial	CO	1.0 Acres
Office/Commercial	CP	1.0 Acres
Office/Commercial	CQ	1.0 Acres
Office/Commercial	CR	1.0 Acres
Office/Commercial	CS	1.0 Acres
Office/Commercial	CT	1.0 Acres
Office/Commercial	CU	1.0 Acres
Office/Commercial	CV	1.0 Acres
Office/Commercial	CW	1.0 Acres
Office/Commercial	CX	1.0 Acres
Office/Commercial	CY	1.0 Acres
Office/Commercial	CZ	1.0 Acres
Office/Commercial	DA	1.0 Acres
Office/Commercial	DB	1.0 Acres
Office/Commercial	DC	1.0 Acres
Office/Commercial	DD	1.0 Acres
Office/Commercial	DE	1.0 Acres
Office/Commercial	DF	1.0 Acres
Office/Commercial	DG	1.0 Acres
Office/Commercial	DH	1.0 Acres
Office/Commercial	DI	1.0 Acres
Office/Commercial	DJ	1.0 Acres
Office/Commercial	DK	1.0 Acres
Office/Commercial	DL	1.0 Acres
Office/Commercial	DM	1.0 Acres
Office/Commercial	DN	1.0 Acres
Office/Commercial	DO	1.0 Acres
Office/Commercial	DP	1.0 Acres
Office/Commercial	DQ	1.0 Acres
Office/Commercial	DR	1.0 Acres
Office/Commercial	DS	1.0 Acres
Office/Commercial	DT	1.0 Acres
Office/Commercial	DU	1.0 Acres
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Office		





STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

THADDEUS L. COHEN, AIA  
Secretary

August 19, 2005

The Honorable Doug St. Cerny  
Chairman, Lee County Board of County Commission  
P. O. Box 398  
Fort Myers, Florida 33901

Dear Chairman St. Cerny:

The Department has completed the review of the proposed amendment for Lee County (DCA No. 05-1), which was received on June 17, 2005. Based on Chapter 163, Florida Statutes we have prepared the attached report that outlines our findings concerning the amendment. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report outlines procedures for final adoption and transmittal.

The proposed Amendment (DCA No. 05-1) involves changes to the Future Land Use Map and the text of certain elements of the comprehensive plan. The Department has identified concerns with Amendment # CPA 2004-13, regarding the proposal to change the land use designation in the northeast quadrant of the intersection of I-75 and State Road 80 because the amendment will result in an increase in density in the coastal high hazard area. A concern is also raised to the text change pertaining to the transfer of development rights from Pine Island. The Department supports the concept of transfer of development rights from Pine Island to the mainland; however, the proposed policies do not establish a clear guideline in the plan that will direct the land development regulations and enable a better implementation of the program. We feel that the policies need further refinement.

The Department is committed to working closely with the County in responding to our report. Please feel free to call Bernard O. Piawah at 850-922-1810, if you have any questions.

Sincerely,

Mike McDaniel,  
Acting Chief, Comprehensive Planning

MM/bp

Enclosures: Review Agency Comments

cc: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council  
Mr. Paul O'Connor, AICP, Lee County Planning Director

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Marathon, FL 33050-2227  
(305) 289-2402

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2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
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EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

Janet  
pls file

RECEIVED  
AUG 21 2005  
COMMUNITY DEVELOPMENT



## TRANSMITTAL PROCEDURES

Upon receipt of this letter, Lee County has 60 days in which to adopt, adopt with changes, or determine not to adopt the proposed comprehensive plan amendment. The process for adoption of local comprehensive plan is outlined in Section 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the plan, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted plan directly to the Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b), F.S., which were effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted plan for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.



DEPARTMENT OF COMMUNITY AFFAIRS  
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT  
FOR  
LEE COUNTY'S COMPREHENSIVE PLAN  
AMENDMENT 05-1

August 19, 2005  
Division of Community Planning  
Bureau of Local Planning

This report is prepared pursuant to  
Rule 9J-11.010, F.A.C.



## INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Lee County's proposed Comprehensive Plan amendment, pursuant to Section 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of an approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the plan is resubmitted for our compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items that the County considers not applicable to its amendment. If that is the case, a statement, justifying its non-applicability, pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.



**OBJECTIONS RECOMMENDATIONS AND COMMENTS REPORT  
FOR  
PROPOSED COMPREHENSIVE PLAN AMENDMENT: 05-1**

**LEE COUNTY**  
(August 19, 2005)

**I. CONSISTENCY WITH RULE 9J-5, FLORIDA ADMINISTRATIVE  
CODE (F.A.C.), & CHAPTER 163., FLORIDA STATUTES (F.S.)**

**Introduction:** Lee County has proposed seven packets of amendments to its comprehensive plan, three of which involve changes to the Future Land Use Map, while the rest involve changes to the text of various elements of the plan. The Department has identified an objection to one of the FLUM changes (Amendment # CPA 2004-13) because the site is unsuitable for residential use due to potential flood hazards and the proposal will result in an increase in density in the coastal high hazard area. An objection is also raised to the text change pertaining to the transfer of development rights because the proposed policies do not establish a clear guideline for the implementation of the program.

**OBJECTION:**

**1. Case # CPA2004-13:**

**Land Use Suitability:** This is a proposal to change the land use designation of certain properties located within the southeast, southwest and northeast quadrants of the intersection of I-75 and State Road 80. The Department has no concerns with the proposed changes to the southwest and southeast quadrant.

With respect to the proposal to change the land use designation on 41.28 acres of land located in the northeast quadrant from General Commercial Interchange to Urban Community the public facilities analyses for the amendment did not quantify the impact of the proposal on schools. There is a general statement in the staff report that according to the School Board, the amendment will not have any impact on schools; however, it would be appropriate to show how the analysis of the impact on schools was derived in order to substantiate the statement. Above all, the proposal is inappropriate because the site is not suitable for the proposed designation. The subject site is located within the coastal high hazard area, and according to Map 9, of the Lee Plan, is within the 100-year floodplain that is subject to tidal flooding. This proposal has the potential to allow up to 412 dwelling units in this coastal high hazard area and would consequently expose a substantial population to the dangers of a hurricane and flooding. The proposal is, therefore, inconsistent with the state's requirement that comprehensive plans direct population concentration away from known or predicted coastal high hazard areas, and also inconsistent with the requirement that future land uses be



coordinated with appropriate topography, including flood prone areas. Lee Plan Policy 75.1.4 requires that the County limit the future population exposed to coastal flooding by assigning reduced density categories to properties within the coastal high hazard area. Goal 75 of the Lee Plan calls for the protection of human life and developed property from natural disasters, and Objective 75.1, mandates a reduced density for properties located within coastal high hazard areas. The proposed designation of Urban Community for this site is inconsistent with Objective 75.1 and Policy 75.1.4 and would not further Goal 75. The current designation of General Commercial Interchange that does not allow residential uses is clearly appropriate for this site and it is consistent with Policy 75.1.4, as well as with Objective 75.1, and furthers the intent of Goal 75. Chapter 163.3177(6)(a), (g)7., & 8., Florida Statutes (F.S.); Rule 9J-5.003(17); 9J-5.006(2)(b), & (3)(b)1., (c)1., & (4)(b)6.; 9J-5.012(3)(b)5., & 6., & (3)(c)7., Florida Administrative Code (FAC).

**Recommendation:** It is recommended that the County not adopt the proposed amendment to the northeast quadrant.

**2. Case # CPA2004-16:**

**Inadequate Guidelines:** The proposed Policy 14.6.3 states: "By 2007 Lee County will amend the Lee County Land Development Regulation to establish a Pine Island Transfer of Development Rights (TDR) program to supplement the existing wetland TDR program. The program will be open to properties depicted on Map 21 as well as other Pine Island lands deemed acceptable by the Board of County Commissioners."

The intent of this policy is to promote the transfer of development rights from Pine Island in order to help protect agriculture and the rural character of the island. However, the proposed policy does not establish meaningful and predictable guidelines that would direct the implementation of the program and, as well, guide the formulation of the guidelines and standards to be included in the land development regulations. Although reference is made in the policy to the properties depicted on a Map 21, no map labeled "Map 21" was included. A series of maps are included with the amendment showing various situations on the island; however, no statement is included in the policy to show that the existing agricultural areas shown on those maps are the targeted sending areas. In addition, the policy provides an open-ended discretion for other properties on the island "deemed acceptable by the Board of County Commissioners". This provision makes the determination of areas subject to the transfer program unpredictable. Furthermore, no guidelines for the rate of transfer are included. Lastly, the policy neither identifies the areas that would serve as the receiving lands, nor provide a general guide for their selection.

Chapter 163.3177(6)(a), F.S.; Rule 9J-5.003(90), 9J-5.005(6), 9J-5.006(3)(c)1., & 7., FAC.



**Recommendation:** Please, revise the policy to address all the issues raised in the above objection in order to provide sufficient guidance for the land development regulation and enable an effective and successful implementation of the program. The policy should clearly identify, on a map, the sending areas on the island based on appropriate and relevant data and analysis. Another alternative would be to include a sentence in the proposed Policy 14.6.3 indicating that no actual transfer will occur until more specific guidelines addressing the issues raised above are amended into the plan. Similarly, the receiving areas on the mainland should be clearly identified; alternatively, the County could establish a set of guidelines and criteria that shall be used for selecting the receiving areas. The receiving areas shall not be environmentally sensitive areas or located in the coastal high hazard areas.

## **II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

The proposed amendment does not adequately address and further the State Comprehensive Plan including the following goals and policies (163.3177(9):)

Coastal and Marine Resources Goal (8)(a) and Policies (b)3., & 6., regarding the subsidizing of development in the coastal high hazard area, and the encouragement of land and water uses which are compatible with the protection of sensitive coastal resources; and

Land Use Goal (15)(a) and Policy (b): 6., regarding the regulation of land uses;

**Recommendation:** Revise the proposed amendment, as indicated in the objections and recommendations of this report, in order to be consistent with the above goals and policies of the State Comprehensive Plan.



JUL 27 2005

Denise Purcell  
135 Meta Street  
Fort Myers, FL, 33905  
July 25, 2005

9 MM  
7/27/05

Atten: Bernard Piawah  
Florida Dept. of Community Affairs  
Bureau of Local Planning  
2555 Shumard Oak Blvd.  
Tallahassee, Fl. 32399-2100

RE: Lee County Comprehensive Plan Amendment CPA 2004-13

Dear Mr. Paiwah:

I am writing to you since I am a resident of the area which this amendment effects. I want to urge you and the other members who decide on this issue not to approve this amendment. There are many reasons why the other residents and myself do not want this approved. I will try to be concise in my arguments for turning down this amendment but first let me give you a history of this proposal.

The reason that this amendment was drafted is because Leeward Yacht Club, (Dev-Pro Corporation), a Developer, initiated a small scale amendment CPA 2004-01 to the Lee County Commissioners Comprehensive Plan. They proposed that a 10 acre parcel of land located within the I-75 and State Road 80 Interchange area be re-designated from "General Commercial Interchange" to "Urban Community," in order that they might build 175 condominium units, a restaurant, and a 118 slip marina. According to Brandy Gonzalez of the Planning Division, after the staff reviewed the case in more detail; the Planning Division Staff did not find the proposal consistent with the Lee Plan. The Lee Plan placed the General Commercial Interchange category on this area after I-75 came through. This would mean that this category has been in existence for over 20 years! There is no reason to make an exception for a private developer on this parcel. The Lee Plan, as it stands now and for the past 20 years, is consistent with the ideology of the need for easy access at the interchanges. The State of Florida is already planning the expansion of I-75 in this area and the development of State Road 80 as a major east-west corridor only strengthens the argument for this parcel to remain in the General Commercial Interchange category.

In addition, there is the concern with this amendment increasing the population in a Coastal High Hazard Area. Lee County Policy 75.1.4 dictates reduced density categories to limit future population exposed to coastal flooding. This is consistent with the General Commercial Interchange category. Although the developer would like to convey the thought that nearby parcels are not categorized as Coastal High Hazard Areas and therefore, this property is not endangered; I would have to argue that it is classified this way for a reason. The property does flood in several areas after thunderstorms- let alone a tropical system such as Hurricane Donna, which flooded a great portion of the property with over 4 feet of water. The Lee County Mosquito District pilots fly directly overhead this property and have noted significant flooding numerous times. There are several witnesses who have seen photos and know the exact location of these low lying areas. This parcel should remain as GCI category to preserve the intent of Lee County Policy 75.1.4.

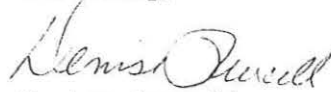
Additionally, there is the issue of the endangered manatee which frequents this area of the Orange River. Laura Combs, the representative of Save the Manatee Club's Southwest Regional office, gave testimony of the large impacts this amendment will make. There was significant lack of analysis concerning this issue and further studies should be conducted before any consideration is given to this amendment. The idea that manatees do not frequent this area and therefore not a concern is ludicrous. Not only have my neighbors and I witnessed the manatees in our canal; but the operations of Manatee World tour boats operate from the parcels in question. Further, it is the intent of Dev-Pro Corporation to build a watch tower on the point of land as an observation point to view manatees. I am confident that you are fully informed on the federal and state issues regarding the protection of the manatees in Florida waters.



Also, there is the issue of the increasing traffic in this residential community. There is only one entrance road into our neighborhood - via Louise Street. If you approve this amendment, it will mean construction trucks and work crews traveling down this one access road. Our three granddaughters who reside with us have their bus stop right at the corner of Louise Street and the Hanson Marina entrance. As you can imagine, the idea of this enhanced traffic flow and type of vehicles will be creating a hazardous situation. The safety of the neighborhood children will be jeopardized and the liability for this dangerous situation will rest squarely on the State of Florida and Lee County if approval of this amendment is granted. Our neighborhood already realizes a back up of vehicles waiting to travel south on I-75. The vehicles are stopped east of our interesection at Louise Street and State Road 80 every weekday. The turning lane providing access into our neighborhood when you travel from the west to east can only accomodate three vehicles at most. How is this turning lane going to provide access to the construction trucks and crews? It cannot without backing up into State Road 80 and delaying the flow of traffic at the I-75 interchange. None of these issues have been studied or thought out. It is my understanding that Aim Engineering has been surveying the Interchange. It would be prudent to defer any decisions on this matter at this time until your office has had a chance to review this situation.

Further, it is my understanding that the Florida Department of Environmental Protection is studying the ecological impact of this parcel due to over 40 years of a commercial marine operation. As you are probably aware of, lead based paints from boats, toxic solvents, etc.. have impacted this parcel virtually uninhabitable. The clean-up process of the soil, the containment of runoff waters into the Orange River, previous destruction of environmentally protected mangroves, etc.. should all be handled prior to any approval of this amendment. These issues are not exclusive of this proposal but rather an integral part of any consideration for changes to the catogory of this parcel. Your department's decision will not only affect our neighborhood and the quality of life for us; but also the State's responsibility as a caretaker of its waterways and land. I strongly urge you to not approve this amendment at all and I would appreciate your department coordinating with the other Florida State agencies into reviewing other possibilities for this land use. Other people have suggested that Lee County purchase this land and utilize it as a rest stop area for people traveling I-75. There is significant historical value to the land in addition to the landscaping already in existence. The continuing need for Lee County to provide boaters with access to the waterways is a major concern here. The land could meet several needs of both the State of Florida and Lee County in this capacity. I want to thank you for your attention to this letter and allowing me to voice my arguments to disapprove of this amendment.

Sincerely,

  
Denise Purcell



Bob Dennis/DCA/FLEOC

07/19/2005 03:59 PM

To Bernard Piawah/DCA/FLEOC@fleoc

cc

bcc

Subject Fw: Lee County 05-1 CPA

----- Forwarded by Bob Dennis/DCA/FLEOC on 07/19/2005 03:59 PM -----



john.czerepak@dot.state.fl.us

07/19/2005 02:10 PM

To Mike.McDaniel@dca.state.fl.us

cc Bob.Dennis@dca.state.fl.us,  
Richard.Oujevolk@dot.state.fl.us

Subject Lee County 05-1 CPA

Mike, FDOT has reviewed the above amendment package and has the following comments.

CPA 2004-08

This amendment would redesignate approximately 45 acres of a 303 acre tract located north and east of Bayshore Rd, south of I-75 and east of Williams Road. The changes would increase the potential residential development on the site by 47 units. No significant impacts to the Department are anticipated.

CPA 2004-09

This amendment would reinforce density limitations on Captiva Island. No significant impacts to the Department are anticipated.

CPA 2004-12

These are text amendments which incorporate recommendations of the Boca Grande Community Planning effort. No significant impacts to the Department are anticipated.

CPA 2004-13

This amendment would redesignate approximately 39 acres located in the southwest and southeast quadrants of the I-75/SR 80 Interchange from Intensive Development, Suburban, and Urban Community to General Commercial Interchange. This would increase the potential commercial development in the southwest quadrant from 100,000 square feet to 130,000 square feet. The Lee County DOT has commented that since both quadrants are already partially developed the actual potential for additional commercial development is 20,000 square feet. They go on the state that this would add an additional 80 trips in the PM peak which would not result in a significant impact at the systems level. FDOT concurs with this assertion, however it should be noted that the Department is currently in the process of re-evaluating the proposed interchange at SR 80 and I-75 which is under design. This re-evaluation may result in additional right of way requirements and modified traffic circulation patterns in the vicinity of SR 80/I-75 interchange. This may impact both existing and future development in that area.



CPA 2004-14

These are text amendments to limit future population that would be exposed to coastal flooding. No significant impacts to the Department are anticipated.

CPA 2004-16

This amendment includes text amendments and the redesignation of approximately 157 acres located on Pine Island in the Bookeelia area, south of Barraccas Ave and north of Pinehurst Road from Coastal Rural to Outlying Suburban. No significant impacts to the Department are anticipated.

John Czerepak  
Growth Management Coordinator  
863-519-2343, SC 557-2343  
john.czerepak@dot.state.fl.us

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.





Jeb Bush  
Governor

# Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard, MS 47  
Tallahassee, Florida 32399-3000

Colleen M. Castille  
Secretary

9 MM  
7/18/05

July 15, 2005

Mr. D. Ray Eubanks  
Plan Review and DRI Processing Team  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

RE: Lee County 05-1, Comprehensive Plan Amendment Comments

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed the proposed Comprehensive Plan Amendments under the procedures of Chapter 163, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*, and we offer the following comments and recommendations for the proposed amendments:

## CPA 2004-08

The proposed amendment would change the Future Land Use designations for two parcels – changing the designation of a 27.25 acre parcel from “Rural” to “Suburban and changing the designation of a 17.81 acre parcel from “Suburban” to “Rural”.

### **Comments:**

The proposed amendment sites both contain several disturbed wetlands, and are underlain by poorly drained soils (EauGallie Sand; Valkaria Fine Sand; Immokalee Sand; Valkaria Fine Sand, depressional; Smyrna Fine Sand; Myakka Fine Sand, depressional). The best data available to the Department indicates that the proposed location has a high recharge rate to the Surficial Aquifer (200-226 on the DRASTIC Index).

### **Recommendations:**

Because the site is underlain by poorly drained soils, has a high recharge rate to the Surficial Aquifer, and drains to the Caloosahatchee River and locally managed conservation areas, the Department has concerns regarding the proposed intensity/density of use on the “Suburban” designated parcel. We recommend that the project applicant(s) consider a full range of planning strategies to limit impervious surfaces and buffer wetland areas to protect groundwater and nearby surface water resources.



Ray Eubanks  
July 15, 2005  
Page 2

As to the proposed impacts to onsite wetlands, the Department emphasizes avoidance and minimization of wetlands impacts prior to the consideration of mitigation in accordance with the requirements of Section 4.2.1 of the SFWMD Basis of Review for ERP applications.

Thank you for the opportunity to comment on these proposals. If I may be of further assistance, please call me at (850) 245-2182.

Sincerely,

*SJC*

Sylvia J. Cohen  
Program Specialist  
Office of Intergovernmental Programs

/sjc





## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574  
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

GOV 08-16

July 19, 2005

Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100



9 MM

7/22/05

Dear Mr. Eubanks:

**Subject: Proposed Amendment Comments  
Lee County, DCA# 05-1**

South Florida Water Management District staff has completed its review of the subject document and we have no adverse comments. If you have any questions or require additional information, please contact me at (561) 682-6779.

Sincerely,

A handwritten signature in cursive script that reads "P.K. Sharma".

P.K. Sharma, AICP  
Lead Planner  
Planning & Resource Evaluation Division

PKS/jl

c: David Burr, SWFRPC  
Paul O'Connor, Lee County  
Mike McDaniel, DCA

### GOVERNING BOARD

Kevin McCarty, *Chair*  
Irela M. Bagué, *Vice-Chair*  
Pamela Brooks-Thomas

Alice J. Carlson  
Michael Collins  
Nicolás I. Gutiérrez, Jr., Esq.

Lennart E. Lindahl, P.E.  
Harkley R. Thornton  
Malcolm S. Wade, Jr.

### EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*





FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

9 MM 7/19/05



Mr. Ray Eubanks  
Department of Community Affairs  
Bureau of State Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

July 14, 2005

Re: Historic Preservation Review of the Lee County (05-1) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:


According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We reviewed proposed text and map amendments to the Lee County Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that many of the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that none of the proposed revisions will have an adverse effect on significant archaeological or historic resources in Lee County.

Amendment CAP2004-12 will certainly help to protect and preserve significant historic resources on Boca Grande. The county should be commended on their sensitive treatment of historic resource concerns. For Amendment CPA2004-13, we note that the NE quadrant of this amendment has recorded historic structures, some of which this agency has determined to meet National Register criteria. Furthermore, a large portion of this amendment area falls within the archaeological high probability zone. The most effective way to guarantee that such sites are not adversely affected is for the county to sponsor or require historic resource surveys so that it can ensure its archaeological resources and historic structures fifty years of age or older will be considered when substantive changes in land use are proposed.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

*for*   
Frederick Gaske, Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office  
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research  
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation  
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums  
(850) 245-6400 • FAX: 245-6433

☐ Southeast Regional Office  
(954) 467-4990 • FAX: 467-4991

☐ Northeast Regional Office  
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office  
(813) 272-3843 • FAX: 272-2340



TO: BERNARD PIAWATT

FROM: LAURA COMBS

RE: LEE COUNTY LARGE SCALE  
COOP PLAN AMENDMENT  
COMMENTS.

13 PAGES.

Thank you!





# Save the Manatee Club

*20 Years of Protecting Manatees*

July 28, 2005

Mr. Bernard Piawah  
Florida Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Dear Mr. Piawah:

The Lee County Board of County Commissioners has transmitted their proposed large-scale comprehensive plan amendment CPA2004-13 to the Department of Community Affairs for review. The proposed amendment is inconsistent with the Lee Plan in that it does not adequately consider manatee protection needs in relation to the Hansen Marina/Manatee World (also known as Leeward Yacht Club) parcel in the Northeast quadrant of the amendment. For this reason, Save the Manatee Club strongly urges the Florida Department of Community Affairs to **Object** to the proposed Lee County comprehensive plan amendment.

I have enclosed the Lee County planning staff report on the Leeward Yacht Club property to assist with identifying the property and the concerns related to it. The staff report does not discuss manatee concerns, but it does discuss many other concerns, including the staff's objection to increasing density in the Coastal High Hazard area, which may assist with your review.

The Leeward Yacht Club parcel borders the Orange River. The Florida Power and Light warm water discharge empties into the Orange River and has served as a warm water refuge for over 400 manatees on a single day. Suzanne Tarr, who formerly directed manatee photo identification for Florida Fish and Wildlife Conservation Commission, conducted winter photo I.D. work at Manatee World during the afternoons due to the high numbers of manatees in the basin as opposed to the FPL discharge canal upstream.

The Leeward Yacht Club is a proposed condominium/private marina facility with 118 boat slips proposed. The existing Hansen Marine Ways is a dilapidated facility, with many wet slips unoccupied and/or unusable. The wet slips that are occupied are used by 49 liveaboards, which stay moored for prolonged periods and leave the dock very infrequently. If the proposed comprehensive plan amendment is approved and the proposed Leeward Yacht Club is permitted and developed, boating traffic and the threats to manatees will increase substantially, especially during the most crucial cold weather periods when manatees are taking refuge in the warm water of the Orange River.

I have provided a **very brief** overview of manatee use of the Orange River. Lee Plan Policy 77.4.3 "Require[s] detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern." The



developer has not provided any inventory or assessment of the impacts of development on the endangered Florida manatee and its habitat. The developer's consultant provided one brief paragraph discussing manatees (enclosed), which in no way fulfills the requirement of Policy 77.4.3.

The proposed amendment is also in conflict with Lee Plan Objective 77.7: West Indian Manatees. This objective states: "Minimize injuries and mortality of manatees to maintain the existing population by encouraging the adoption by the state of Florida and local governments of regulations to protect the West Indian Manatee in the Caloosahatchee and elsewhere in Lee County." The Orange River is a tributary to the Caloosahatchee River, and the Caloosahatchee River is arguably the most deadly waterway in Florida for manatees due to boat collisions. If the proposed plan amendment is ultimately found in compliance and the project is built, the threats to manatees will increase unacceptably, as discussed above, which is inconsistent with Objective 77.7.

Thank you for your consideration of this important matter. Please notify me of the Department's finding or contact me at the following address and phone number if I can be of any assistance:

Save the Manatee Club  
P.O. Box 08681  
Fort Myers, Florida 33908  
(239) 425-1541

Sincerely,



Laura R. Combs  
Southwest Regional Coordinator

Enclosures

cc: Governor Jeb Bush  
Colleen Castille, DEP  
Ken Haddad, FWCC



**Previous staff report:**

**LEE COUNTY**  
**DIVISION OF PLANNING**  
**STAFF REPORT FOR**  
**SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**  
**CPA2004-01**

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Adoption</b>
	<b>Board of County Commissioners Re-Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: March 21, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEEWARD YACHT CLUB, LLC  
 REPRESENTED BY MATTHEW UHLE, ESQ.

**2. REQUEST:**

Amend the Future Land Use Map series for a specified ten acre portion of a parcel of land located in Section 34, Township 43 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "General Commercial Interchange" to "Urban Community."

**3. SUMMARY DISCUSSION**

The applicant, Leeward Yacht Club, LLC., is requesting a small scale change of land use designation on the Future Land Use Map from "General Commercial Interchange" to Urban Community" for an approximate 10 acre specified area of land. The site is located within the northeast quadrant of the State Road 80 and I-75 Interchange in Section 34, Township 43 South, Range 25 East. The General Commercial Interchange does not permit residential units and is primarily for community commercial land uses, while the Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre), with up to 10 units per acre (10 du/acre) if bonus density is utilized. If the amendment is approved the allowable density would be an increase of up to 100 permissible units.



**B. BACKGROUND INFORMATION****1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 10 ACRES

**PROPERTY LOCATION:** The subject property is located in the northeast quadrant of the State Road 80 and I-75 Interchange.

**EXISTING USE OF LAND:** The subject property is currently a marina and vacant land.

**CURRENT ZONING:** AG-2 and IM

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** General Commercial Interchange

**2. INFRASTRUCTURE AND SERVICES**

**WATER & SEWER:** The subject property is located in the Lee County Utilities franchise area for potable water and sanitary sewer service.

**FIRE:** The property is located in the Tice Fire District.

**TRANSPORTATION:** Access to the property is via Louise Street from State Road 80.

**SOLID WASTE FRANCHISE:** Florida Recycling Services

**C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** Planning staff recommends the proposed amendment not be adopted. Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to change the future land use designation of the subject area from the "General Commercial Interchange" land use category to the "Urban Community" land use category.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The property is located within the Coastal High Hazard Area (CHHA) and will be increasing density in the CHHA as delineated by the Southwest Florida Regional Planning Council.
- The intent of the applicant is to develop the subject property with 100 mutli-family dwelling units.
- Policy 5.1.2 prohibits residential development where hazards exist that may endanger the residential community.
- Goal 75 promotes the protection of residents and developed property from natural disaster and encourages the reduction of densities within the CHHA.



- Goal 76 of the Lee Plan limits public expenditures in the CHIA.
- The parcel is currently surrounded by the General Commercial Interchange future land use category, a category that does not permit residential dwelling units.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "General Commercial Interchange" to "Urban Community" for an approximate 10 acre specified area of land. The site is located in the northeast quadrant of the State Road 80 and I-75 Interchange between the Dos Rios subdivision and the Manatee World marina in Section 34, Township 43 South, Range 25 East. The property is known today as Hansen Marine Ways. If the amendment is approved the allowable density would increase from a category where no dwelling units are permitted to a possibility of 10 du/acre, an increase of 100 permissible units.

The Comprehensive Plan Amendment Application, Staff Insufficiency Letter, and Applicant Supplementary Information are attached as Attachment 1.

#### **PROJECT SUMMARY**

The applicant is proposing the amendment in order to allow for the development of residential units at the subject site. Currently a marina exists on the northern portion of the site along the Orange River. The remainder of the site is vacant. The subject area is part of a larger property (approximately 22 acres) that is currently under staff review for a rezoning to MPD. Residential use of the property is contingent upon the plan amendment.

Initially the applicant provided an application requesting a land use change from General Commercial Interchange to the Central Urban future land use category. After several discussions, staff concluded that the request to Central Urban was not consistent with Chapter 163.3187(1)(c) Florida Statutes, relating to small scale plan amendments. The statute provides that a small scale amendment may only be adopted under certain conditions. One of those conditions states that if the amendment involves a residential land use, the residential land use must have a density of 10 units or less per acre. The Central Urban land use category permits up to 15 du/acre as a maximum density when bonus density is utilized, while the Urban Community land use category permits up to 10 du/acre when bonus density is utilized. Following discussions with staff, the applicant resubmitted an application requesting the proposed Urban Community land use category that is under review today.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was designated General Commercial Interchange and has remained in this land use category to date. The General Commercial Interchange descriptor policy has also remained consistent and is reproduced below:



*POLICY 1.3.3: The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.*

The subject property is located in the northeast quadrant of the State Road 80 and I-75 Interchange where the General Commercial Interchange category is the predominant designation for this quadrant.

#### **ADJACENT ZONING AND USES**

The subject area is zoned IM and AG-2. The surrounding properties are zoned AG-2 and MH-2 to the north, CM to the east, RS-1 to the west, and CPD directly across State Road 80 to the south. The subject area is surrounded by properties developed with several types of uses. To the north and across the Orange River is the Orange Harbor mobile home park, to the east the Manatee World marina, immediately to the south State Road 80, gas stations, and the Sun-N-Fun mobile home park, and to the west the Dos Rios single family subdivision.

#### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

The request is to change the Future Land Use Map (FLUM) category of approximately 10 acres from General Commercial Interchange to Urban Community. The General Commercial Interchange category does not permit residential units. The Urban Community category standard density permits up to 10 du/acre if bonus density is utilized. The applicant's representative has noted that the intent is to develop the property with a density of 10du/acre. This means that a maximum of 100 dwelling units could be constructed on the property under the Urban Community designation. This could result in an increase in the population accommodation capacity of the map by 209 persons (100 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

#### **CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY**

The applicant is proposing that the subject parcels land use designation be amended to Urban Community. The Urban Community areas are described by Policy 1.1.4. Policy 1.1.4 is reproduced below:

*POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

The proposed amendment is consistent with the Urban Community designation for the following reasons: it is located near the designated future urban area of Fort Myers; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; residential development is listed as one of the predominant land uses in the Urban Community category.

While the subject parcel is also consistent with a majority of the Lee Plan's Residential Land Use requirements of Goal 5, staff finds that the proposal cannot be found consistent with Policy 5.1.2 due to the fact that the property is located within the Coastal High Hazard Area. Policy 5.1.2 is reproduced below:



*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 soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

This policy prohibits residential development where hazards exist that may endanger the residential community. This inconsistency is discussed further under the Coastal issues section of this report.

#### **MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)**

The subject area is located within the Planning Community of Fort Myers Shores. In this community there are 633 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 275 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 358 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020.

#### **TRANSPORTATION ISSUES**

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated March 18, 2005 (see Attachment 2). The Department of Transportation has concluded that "this land use change will not alter the future road network plans." DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion.

Planning staff notes that a traffic analysis is required by the County's local development approval process. This analysis determines the need for any site-related improvements such as turn lanes on the adjacent roadways.

#### **PUBLIC SAFETY ISSUES**

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also received memos from providers giving some additional analysis.

##### Emergency Management - Hurricane Evacuation/Shelter Impacts

The proposed amendment will be increasing density in the Coastal High Hazard Area. Staff from the Lee County Division of Public Safety have provided written comments to planning staff, dated March 25, 2004, concerning the proposal (see Attachment 3). The memo provides the following:

*"This Development is located in a Tropical Storm Evacuation Zone. In accordance with the National Weather Service storm surge 'SLOSH' model, this area will receive storm surge flooding from a Tropical Storm. Therefore, the provisions of Lee County Ordinance 00-14, Land Development Code, Article XI, Sec. 2-481 through 2-486, Hurricane Preparedness that requires shelter and evacuation route impact mitigation for residential developments are required."*

##### Sheriff's Office Impact

The Lee County Office of the Sheriff has reviewed the proposal and provided written comments to the applicant dated January 2, 2004 (see Attachment 1). This correspondence provides that "it is the policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs."



**Fire Service Impact**

The subject parcel is within the Tice Fire District. The District has reviewed the proposal and provided written comments to the applicant dated February 4, 2004 (see Attachment 1). The Department provides the following:

*"In regards to the above-referenced property, Tice Fire District has no objections to the proposed amendment at this time.*

*We will request and anticipate incorporating any of our needs between the developer and our District as the development of the project proceeds."*

**SCHOOL IMPACTS**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated March 16, 2005 (see Attachment 4). District staff conclude that "The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Leeward Yacht Club MPD developers will be expected to pay the impact fee at the appropriate time."

**SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified one soil type present on the subject parcel - 28 Immokalee sand.

Immokalee sand is a nearly level, poorly drained soil in flatwoods areas with smooth to convex slopes ranging from 0 to 2 percent.

**ENDANGERED SPECIES**

The applicant has provided a vegetation map, a soils map, and an endangered species report as part of their application submittal materials. The endangered species report states that "no listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey." Environmental Sciences staff have offered no comments in objection to the proposed amendment.

**PARKS, RECREATION AND OPEN SPACE**

Staff of the Lee County Public Works have reviewed the request and provided written comments dated March 18, 2005 (see Attachment 5). This memorandum provides the following:

*"The change has the potential to result in an additional 100 dwelling units. The subject parcel is located in Community Park Impact Fee District 3. It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, some consideration should be given to the fact that approval of this amendment may very well result in yet another loss of waterfront access to the citizens of Lee County."*

**DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following concerning this issue:



*"The property is located within the Caloosahatchee River Watershed. The proposed project will be required to obtain an Environmental Resource Permit from the South Florida Water Management District (SFWMD) for construction and operation approval, and will require compliance with the Lee County's Level of Service Policy 70.1.3 for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (2001/2002 - 2002/2003), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE."*

Natural Resources staff have offered no comments in objection to the proposed amendment.

#### **MASS TRANSIT**

Staff from the Lee County Transit Division have reviewed the request and provided a memo dated March 13, 2005 (see Attachment 6). The memo provides that *"public transportation services in this area are currently sufficient and services as stated in the 5 year Transit Development Plan would remain sufficient for the proposed change."*

#### **UTILITIES**

The property is located within the Lee County Utilities service area for both waste water and potable water service. Regarding waste water service, the applicant has provided that *"the closest point of service is at the intersection of Louise Street and SR 80, where LCU has a regional sewer pumping station which pumps waste water from eastern Lee County to the City of Fort Myers. A large capacity 36-inch gravity sewer system composed of two manholes delivers waste water from a 24" force main into the pumping station."* The discussion provides that *"based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM."* The discussion concludes that no improvements will be necessary to service the additional demand and the amendment will not require any revisions to the sanitary sewer sub-element or CIE.

Regarding potable water service, the applicant has provided that *"the closest service line is at the corner of SR 80 and Louise Street (20" water transmission main)."* The discussion provides that *"based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM."* The discussion concludes that no improvements will be necessary to service the additional demand and the amendment will not require any revisions to the water sub-element or CIE.

Staff of Lee County Division of Solid Waste offered no comments in objection to the proposed amendment.

#### **COASTAL ISSUES**

As noted earlier in this report, the majority of the subject property is located in the "Coastal High Hazard Area" (CHHA) as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in an "AE8" flood zone. The required base elevations to the first habitable floor are 8 feet depending on the specific parcels location.



The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the subject property is located within the Tropical Storm and Category 1 storm surge zone with the southernmost portion of the property located within the Category 2 storm surge zone. Additionally, the property is located in the SWFRPC Tropical Storm evacuation zone. The proposed development will be increasing density in the CHHA as delineated by the Southwest Florida Regional Planning Council. The Lee Plan defines the CHHA as follows:

*COASTAL HIGH HAZARD AREA - The category 1 evacuation zone as delineated by the Southwest Florida Regional Planning Council. (Added by Ordinance No. 94-30, Amended by Ordinance No. 99-17)*

The Lee Plan contains several policies describing hazardous constraints and residential development. Policy 5.1.2 which was reproduced earlier in this report prohibits residential development where hazards exist that may endanger the residential community. Goal 75 specifically addresses development in the CHHA:

*GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)*

*OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

*POLICY 75.1.4: Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

Goal 75 promotes the protection of residents and developed property from natural disaster, while its objectives and policies encourage the reduction of densities within the CHHA in order to limit the future population exposed to coastal flooding.

Goal 76 of the Lee Plan limits public expenditures in the CHHA and Objective 76.1 limits expenditures to existing residents:

*GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)*

*OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES. Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*



## **B. CONCLUSIONS**

While the proposed amendment is consistent with Policy 1.1.4, the Urban Community future land use descriptor policy, the amendment is not consistent with several of the Lee Plan's Goals, Objectives, and Policies addressing residential development in the CHHA. The intent of the applicant is to develop the subject property with 100 multi-family dwelling units. The parcel is currently surrounded by the General Commercial Interchange future land use category, a category that does not permit residential dwelling units. Staff recognizes that existing land uses north and west include residential uses also existing within the CHHA but it is also important to note that these particular developments have been in existence prior to the Lee Plan. Staff notes that the Dos Rios subdivision to the west of the subject property is currently not in conformance with the General Commercial Interchange category. This subdivision is subdivided into 19 lots on approximately 6 acres, making this subdivision within the parameters of the Outlying Suburban density range. This area is part of a pending plan amendment that will address existing non-conforming uses in the interchange area.

If approved, staff estimates that the proposed Urban Community designation would allow 100 dwelling units to be built in the subject area where no units are allowed under the current interchange designation. Staff finds that Lee Plan policies with regard to residential development in the CHHA do not support the approval of the proposed plan amendment. Lee Plan policies prohibit residential development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. Therefore, staff cannot recommend approval of the proposed amendment for the purpose of increased residential development.

Staff would also like to note for discussion purposes that the subject site is also located within an area designated by the Lee Plan as a water dependent overlay (Lee Plan Map 12, Page 3 of 12). As mentioned previously in this report the existing use of the property is a marina. Lee Plan Policy 98.1.2 specifically describes the water dependent overlay designation over existing commercial marinas protecting their right to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. If the proposed amendment is approved and the rezoning application currently under review moves forward to a public hearing, the water dependent overlay status of the parcel must be addressed as part of that public hearing to remove the property from the overlay.

In addition, staff has also reviewed Goal 21, Caloosahatchee Shores, and have found that the proposed amendment does not contradict the goals of the community.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to redesignate the future land use of the subject area from the "General Commercial Interchange" land use category to the "Urban Community" land use category. This recommendation is based upon the previously discussed issues and conclusions of this analysis.



**Southern Biomes, Inc.**

Division of Environmental Services  
1602 Woodford Ave., Ft. Myers, FL 33901  
Geza Wass de Czege, President

Fax: (239) 337-5028

Tel: (239) 334-6766

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,  
Lee County, FL

December 19, 2003

**Endangered Species Survey Results and Conclusion:**

No listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey. However, the giant leather ferns were found within the tidal portion of the wetlands and will not be impacted by any proposed development. During other site visits there were wading birds observed along the edges of the Orange River waterfront, and on the uplands adjacent to it. These birds consisted of two little blue herons and one snowy egret. No other species were observed, but species which might be expected to be found during some portion of the year are alligators, manatees, white ibis, tricolor heron, woodstork, and possibly a kestrel.

It should be noted that the Orange River has one of the largest populations of wintering West Indian manatees (*Trichechus manatus*) in the State of Florida. This is attributed to the Florida Power and Light Company discharging warm water into the river from their power generator cooling facilities. During cold weather the manatee migrate up the Caloosahatchee River to seek warmth from this artificial heat source. Therefore, we can also assume that manatees will venture into the marina areas during warmer periods. Any proposed activity associated with the Marina will require a manatee protection plan as part of the permit application.

PLEASE REFERENCE LEE PLAN  
POLICY 77.4.3 FOR INCONSISTENCY





# Southwest Florida Regional Planning Council

1926 Victoria Avenue, Fort Myers,

(239)338-2550 FAX (239)338-2560 SUNCOM (239)748-2550

August 22, 2005

Mr. Mike McDaniel  
Community Program Administrator  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**Re: Lee County / DCA 05-1**

Dear Mr. McDaniel:

Staff of the Southwest Florida Regional Planning Council reviewed the proposed amendment (DCA 05-1) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendments at its September 15, 2005 meeting. Staff recommends that the Council approve its recommendation as found in the official staff report. A copy of the official staff report is attached. If the Council's action differs from staff recommendation, we will notify you.

Sincerely,  
**Southwest Florida Regional Planning Council**

David Y. Burr  
Executive Director

DYB/DEC  
Attachment

Cc: Paul O'Connor, AICP, Director, Lee County

RECEIVED  
AUG 24 2005  
COMMUNITY DEVELOPMENT



**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 05-1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A location map is provided as Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
CPA 2004-02	no	no	no	(1) not regional significant; and (2) consistent with SRPP
CPA 2004-08	no	no	no	(1) not regionally significant; and (2) consistent with SRPP



<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
CPA 2004-09	no	no	no	(1) not regionally significant; and (2) consistent with SRPP
CPA 2004-12	yes	no	yes	(1) yes, regionally significant; and (2) consistent with SRPP
CPA 2004-13	yes	no	no	(1) yes, regionally significant; and (2) consistent with SRPP
CPA 2004-14	yes	no	no	(1) yes, regionally significant; and (2) consistent with SRPP
CPA 2004-15	no	yes	no	(1) yes, regionally significant; and (2) consistent with SRPP
CPA 2004-16	no	no	yes	(1) procedural; (2) yes, regionally significant; and (3) consistent with SRPP

**RECOMMENDED ACTION:** Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

09/05



**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND  
DEVELOPMENT REGULATION ACT**

**Local Government Comprehensive Plans**

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e.g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice



### **Comprehensive Plan Amendments**

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.

[(s. 163.3184(6)(b))]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

#### **Regional Planning Council Review**

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."

[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.**



**SWFRPC COMMENTS  
Lee County Comprehensive Plan Amendments**

**Proposed Amendment (CPA 2004-02 / DCA 05-1) Estero Outdoor Display**

This proposed amendment is privately initiated and will affect properties located in the Estero Planning Community. The amendment proposes to revise Policy 19.2.5 by adding the sentence: Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use designation west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

**Regional Significance and Consistency**

According to the Lee County staff report, Policy 19.2.5 was adopted by the Lee County Board of County Commissioners on January 10, 2002. The policy prohibits uses that require outdoor display in excess of one acre. Prior to the adoption the policy, there was no acreage restriction on outdoor displays in Estero.

The one acre outdoor display restriction was proposed by the Estero community as a result of their concerns outdoor display restriction was proposed by the Estero community as a result of their concerns about the location of the Estero Greens Commercial Planned Development (CPD). The Estero Greens CPD provided for a car dealership within its schedule of uses for property located south of Williams Road on the west side of U.S. 41. The dealership has been constructed and is in existence today.

The property subject to this requested Comprehensive Plan change is located within the General Interchange area west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard. It is an approved CPD know as the Corkscrew Commerce Center. The CPD was approved for 1000,000 square feet of retail uses, 30,000 square feet of office uses, and a 120 unit motel/hotel, with buildings not to exceed 65 feet in height.

The proposed amendment will allow for a car dealership at the southwest quadrant of the intersection of Corkscrew Road and I-75. The subject project was presented to the Estero community at a publicly advertised meeting and received favorable comments. The Estero Community Planning Panel has taken the position that they prefer the proposed master concept plan for the car dealership over the approved CPD.

Council staff finds that the amendment promotes sound planning coordination with the changes proposed. Council staff also finds that outdoor displays at a car dealership is not a regional issue and therefore recommends approval of the requested amendment. Council staff finds that this



**Agenda Item 3(b)1  
Attachment II**

amendment to be not regionally significant and consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:

**Economic Development Element**

**Economic Infrastructure**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy:** Maintain the physical infrastructure to meet growth demands.

**Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.

**Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

**Livable Communities**

**Goal 3: A stable regional economy based on a continuing excellent quality of life.**

**Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

**Action 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

**Proposed Amendment (CPA 2004-08 / DCA 05-1) Oak Creek**

This proposed amendment is privately initiated and located in the North Fort Myers Planning Community. The applicant, S.W. Florida Land 411, LLC, proposes to amend the Future Land Use Map (FLUM) series for a 27.25 +/- acre tract of land to change the designation shown on Map 1 from "Suburban" to "Rural." The amendment represents a land use designation change.

**Regional Significance and Consistency**

According to the proposed amendment application, the subject properties are part of an overall plan of development that was submitted to the County for review as a Residential Planned Development (RPD) in November 2003. The RPD is currently under review by County staff.



**Agenda Item 3(b)1**  
**Attachment II**

The majority of the RPD has a land use designation of Suburban on the Future Land Use Map (FLUM), while a smaller portion at the northern end of the subject site is designated as Rural.

According to the proposal documents, the requested amendment does not impact the density of the project as shown in the RPD. The purpose of the amendment is to allow for the requested units to be distributed throughout the total site based on sound planning principles and not restricted different densities with the project itself based on different land use designations. The Lee Plan allows for this type of density distribution under Policy 5.1.11, with the exception of distributing density in non-urban land used designation like Rural.

The County staff found that the proposal potentially could result in an additional population accommodation capacity of 98 persons (47 du's X 2.09 persons per unit) on the FLUM. This increase in the population accommodation capacity of the FLUM was determined by County staff to be insignificant when viewed in the context of the County wide accommodation capacity. In addition, County staff has determined that the County's infrastructure service levels will not be negatively impacted and there is adequate capacity to handle the additional development.

Base on the County staff analysis, this amendment allows a desirable compact and contiguous development pattern. The proposal does not promote urban sprawl, as the subject property is located adjacent to a significant amount of existing and approved urban development. An examination of the surrounding land uses shows that the area around the subject site is currently urbanizing.

Because of the previously mentioned reasons and because the proposed amendment does not have the size to produce impacts on regional resources, staff supports the findings of the County staff and recommends approval of the requested amendment. Council staff also finds this amendment not to be regionally significant and consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:

**Natural Resources Element**

**Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.



**Agenda Item 3(b)1**  
**Attachment II**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Proposed Amendment (CPA 2004-09 / DCA 05-1) Captiva**

This proposed amendment to Goal 13 of the Lee Plan request is a Board of County Commission request. The amendment proposes to add five new policies specific to Captiva. The amendment also proposes to change Goal 84, which deals with the County's wetlands.

**Regional Significance and Consistency**

The Captiva Property Owners Association (CPOA) originally contracted for assistance in the preparation of a community plan for Captiva in early 2001. The Captiva Island Community Plan was submitted by the CPOA to the County's Division of Planning on September 27, 2001.

The Captiva Island Community Plan included amendments to the Lee Plan. Several of the amendments proposed by the CPOA were either modified or were not transmitted by the BoCC for review. Those modified amendments were adopted by the BoCC on January 9, 2003.

Following the January 9, 2003 adoption hearing, the Captiva Planning Panel began holding Panel meetings to discuss revising some of the policies in Goal 13 that the BoCC did not transmit for review originally and to add one new policy. This proposed amendment to the Lee Plan is a result of the outcome of the Community Planning Panel meetings.

The following changes are being made to the Lee Plan:

(The applicant's original submittal language is shown below in underline format. County staff's recommended language is provided below, with changes to the applicant's language highlighted in strike through, double underline format.)

**POLICY 13.1.10:** ~~New requests for residential re-zoning that would increase density on said property above the current zoning will not be permitted.~~ The maximum allowable density on Captiva Island is three dwelling units per acre.

**POLICY 13.1.11:** ~~Due to the seasonal nature of the population inhabiting Captiva and due to the County's desire to encourage the broadest possible public participation, zoning or rezoning requests, and all variance, special exception and special permit for parcels located on Captiva island shall only be scheduled for public hearing between November 1 and May 1 of any year. For applications received during other months, the first available hearing date after November 1 shall be provided, subject to a determination that the application is sufficient and in accordance with all applicable regulations concerning application requirements. In the event of a hurricane,~~



**Agenda Item 3(b)1**  
**Attachment II**

flood or other natural disaster, the Lee County Board of Commissioners may suspend this requirement by finding that extraordinary circumstances apply.

**POLICY 13.1.12:** Variances should be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e. where all of the following are met:

- Where the hardship cannot be corrected by other means allowed in the ordinances,
- Where strict compliance of the regulations allows the property owner no reasonable use of the property,
- Where the variance, if issued, will be corrective and not beneficial,
- Where the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property,
- Where the applicant did not cause the need for the variance, and
- Where the variance would not diminish the property value of others and
- Where the variance is not contrary to the spirit of the ordinance.

**POLICY 13.1.13:** Mangroves on Captiva Island will be protected to the greatest extent possible and county discretionary acts involving development on Captiva Island shall not encourage the destruction or alteration of mangroves. Within one year of adoption of this plan amendment, Captivans working in conjunction with county planning staff shall amend the Lee County Land Development Code to establish a sufficient setback requirement to place fill near existing mangroves or require development designs that address the interface of fill areas with existing mangroves to eliminate impacts from fill sloughing or washing into the mangrove areas. Development designs in this context include setbacks, stabilized slopes, retaining walls, rip rap revetments, etc.

**POLICY 84.1.4:** By the end of 2006, Lee County will amend the Lee county Land Development code to establish a sufficient setback requirement for the placement of fill adjacent to existing mangroves or require development designs that address the interface of fill areas with existing mangroves to eliminate impacts from fill sloughing or washing into mangrove areas. Techniques to accomplish this include, but are not limited to: setbacks; stabilized slopes; retaining walls; and, rip rap revetments.

**POLICY 13.1.143:** The canopy on Captiva Drive between the Blind Pass Bridge and the first S-curve will be protected from destruction or alteration caused by humans to the greatest extent possible. Trees that are part of the canopy over and adjacent to Captiva Drive will only be removed if deemed necessary for public health, safety or storm damage. If Australian pines or other trees that contribute to the canopy are removed, they will be replaced by trees that will preserve the road canopy. Trees that are removed for safety reasons will not be replaced in their



**Agenda Item 3(b)1**

**Attachment II**

exact location but in one that is safer for the general public but that will still contribute to the overall tree canopy. Trees will be replanted and maintained along Captiva Drive between Blind

Pass and the north end of Captiva Drive. The replanting of trees within the Captiva Drive right-of-way is needed to replace the loss of tree canopy following Hurricane Charley. A comprehensive Captiva Drive landscape plan that addresses specific native tree species, tree placement, public safety, access and utilities to facilitate the restoration of tree canopy will be created. The comprehensive Captiva Drive landscape plan will identify funding sources for implementing the plan and will designate the entity or entities responsible for long term maintenance.

**POLICY 13.1.15:** Notwithstanding anything pertaining to Captiva Community Plan Height Restriction Policy 13.1.2, due to the unique degree of public interest attached to it regarding emergency communications services, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet; provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location capability for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related tower facilities. No microwave facilities will be allowed on the structure.

**POLICY 13.1.2:** No building or structure may be erected or altered so that the peak of the roof exceeds 35 feet above the average grade of the lot in question or 42 feet above mean sea level, whichever is lower. Notwithstanding the height restriction, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area that location to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related tower facilities. No microwave facilities will be allowed on the structure.

Base on the County staff analysis, this amendment up grades the existing infrastructure, landscaping and development heights on the island. The infrastructure issues addressed in the proposal are procedural in nature and do not impact regional resources. The mangrove portion of the amendment does assist in the protection of mangroves on the island and assists in the overall environment of the region. The Council staff applauds the Captiva Community Panel in the proposed environmental changes and supports the County staff's wording on these changes in that they more clearly define the desires of the community.

Because of the previously mentioned reasons and because the proposed amendment does not have the size to produce significant impacts on regional resources, staff supports the findings of the County staff and recommends approval of the requested amendment. Council staff also finds this amendment not to be regionally significant and consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:



## **Natural Resources Element**

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

### **Proposed Amendment (CPA 2004-12 / DCA 05-1) Boca Grande**

This proposed amendment is a Board of County Commissioner's request to revise the Vision Statement for Boca Grande and to add a new Goal with related Objectives and Policies that are specific to Boca Grande.

### **Regional Significance and Consistency**

The idea for a community plan on Boca Grande came from a meeting the county staff had with the Boca Grande community on April 15, 2003 during the Evaluation and Appraisal Report (EAR) public participation process. According to county staff, the EAR meeting followed a presentation by the GICIA regarding rapid population growth and development in the surrounding area. County staff mentioned how other community planning efforts had addressed local issues, and the community planning effort for Boca Grande was initiated.

The Boca Grande community formed a non-profit corporation known as Boca Grande Community Planning Association, Inc. on December 1, 2003 with the dedicated purpose of having a legal entity to form the nine-member planning panel. The Panel was fully formed on January 5, 2004 and held its first meeting on January 8, 2004.

The planning panel hired a consulting firm to assist them with writing a community plan for Boca Grande and help take the resulting plan through the public hearing process. The Panel formed eight subcommittees with approximately 50 volunteers. The subcommittees had 34 meetings during the period of February 3, 2004 through May 3, 2004 and developed reports which became the basis for drafts of the Vision Statement and Goals, Objectives and Policies prepared by the consultant.



**Agenda Item 3(b)1**  
**Attachment II**

The Boca Grand Plan was submitted to Lee County on September 30, 2004 following several summer Planning Panel meetings in July, August and September of that year.

Council staff has reviewed the proposed Boca Grande amendment language and agrees and supports the County staff position in this amendment. Council staff agrees that the proposed

Vision Statement, Goals, Objectives, and Policies found in this amendment are the results of two years of work done by a local community planning panel through an organized planning process. The Goals, Objectives and Policies presented in this request directly reflect the vision that the Boca Grande community has for itself. County staff believes that this amendment should be viewed as another step in a continuous planning process that addresses the planning needs and issues on the island.

Based on the Council staff review of the plan, Council staff agrees with County staff in that many of the issues on the island have been adequately addressed, but there are others that County staff has recommended for deletion that will require additional work and consideration in the future implementation of the community planning process. Council staff believes that the Boca Grande Planning Panel volunteers have done an excellent job on this community effort and should be applauded for their efforts. Council staff recommends that the portions of the plan that County staff has approved should be approved and the other issues should continue to undergo review, discussion and amendment.

Because of the previously mentioned reasons and because the proposed amendment does have the size to produce significant impacts on regional resources, such as barrier islands and Charlotte Harbor, and therefore Council staff supports the findings of the County staff and recommends approval of the portions of the requested amendment as identified by County staff. Council staff also finds this amendment to be regionally significant and those items recommended for approval as consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:

## **Natural Resources Element**

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.



**Agenda Item 3(b)1**  
**Attachment II**

**Proposed Amendment (CPA 2004-13 / DCA 05-1) I-75 and S.R. 80 Interchange**

This publicly initiated amendment proposes to change the land use designations around the I-75 and S.R. 80 interchange. The proposed amendment changes the FLUM to redesignate approximately 39 acres of land, which are located in the southeast and southwest quadrants of the interchange area from "Intensive Development, Suburban and Urban Community" to "General Commercial Interchange." The proposal also amends the FLUM to redesignate approximately

41+/- acres of land located in the northeast quadrant from "General Commercial Interchange" to "Urban Community."

**Regional Significance and Consistency**

The Board of County Commissioners initiated this proposed amendment and directed County staff to evaluate the future land use designations assigned to the northeastern, southeastern and southwestern quadrants of the I-75 and SR 80 interchange. The County staff had previously evaluated the southwestern quadrant of the interchange area. At the November 1, 2000 adoption hearing the Board voted to revisit this proposed amendment. At that hearing, it was recommended that the analysis be broadened to include all four quadrants of the intersection.

Initiating the amendment allows the County staff to review the future land use designations for the interchange area and properly balance existing and future land uses in the area. At the time the amendment was initiated, staff specified the three quadrants noted above, recognizing that the future land use designations on the northwest quadrant as appropriate as they currently exist. The land use designations in the quadrant include the Morse Shores single-family subdivision, which is designated Suburban; primarily a residential land use designation, and commercial uses fronting on SR 80 that is designated Intensive Development; primarily a commercial designation.

The County staff reports states that the proposed amendment evaluation began by creating three possible alternatives for the study area to bring forward to the County's Local Planning Agency (LPA) for discussion. The alternatives discussed involved the possibilities of amending the entire northeastern quadrant to Urban Community and Central Urban or changing the designation of the existing neighborhood to Suburban and leaving the General Commercial Interchange designation in place in the remainder of the quadrant. Only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange designation. This alternative remained the staff recommendation. Alternatives discussed for the southeast quadrant involved Central Urban for the entire quadrant, the General Commercial Interchange category being proposed for the area, or leaving the existing designations in place. At the LPA meeting, the members voted to recommend an alternative amending the entire northeast quadrant to Urban Community, a portion of the southwest quadrant to General Commercial Interchange as recommended by the staff report, and leaving the existing designations in place in the southeast quadrant. The LPA preferred this alternative based on their



**Agenda Item 3(b)1**  
**Attachment II**

previous recommendation involving a privately initiated small scale amendment in the northeast quadrant. Previously, the LPA recommended that the 10 acres involved in this request be amended to Urban Community.

After further review and based on the Board of County Commissioner's review of the recently proposed small scale amendment in the northeast quadrant of the interchange, County staff concluded that the future land use designations on the northeast quadrant are appropriate as they exist at the present time.

The County staff report discussed the subject interchange area and included approximately 124 acres in their study area. Of the 124 acre total, County staff recommended a future land use map amendment to approximately 39 acres located in the southwest and south east quadrants of the interchange. A little over half of the proposed changes to the future land use designations covered the right-of-way areas of I-75 and State road 80, leaving approximately 18 acres of developable land being amended. The impacts of amending the 18 acres of developable land for possible residential or commercial development were addressed by the County staff report. The report compared existing future land use designations verses the proposed designations. Although the areas are already developed, the County staff estimated the following if redevelopment occurred.

	<b>Southwest Quadrant</b>	<b>Southeast Quadrant</b>
Existing Land Use Designation	Suburban and Intensive Development	Urban Community
Possible Residential Unit or Commercial Development	100,000 sf Commercial or 295 Dwelling Units	50,000 sf Commercial or 67 Dwelling Units
Proposed Land Use Designation	General Commercial Interchange	General Commercial Interchange
Possible Residential Unit or Commercial Development	130,000 sf Commercial 0 Dwelling Units	50,000 sf Commercial 0 Dwelling Units

Through the subject plan amendment proposal, County staff has attempted to balance the existing and future land use designations of the area with a proposal that results in minimal impacts to existing residential uses while at the same time recognizes the value of preserving interchange areas for interchange types of uses that serve the traveling public as well as providing diversity of regional opportunities within the interchange areas of the County.

After extensive impact analysis on the various alternatives previously mentioned, County planning staff proposed to amend 39 acres from the Intensive Development, Suburban, and Urban Community future land use designations to the General commercial Interchange land use designation in the interchange area of SR 80 and I-75. County staff recognized that this was an unique interchange area and the routing of I-75 through existing platted neighborhoods has had a negative impact. The presence of I-75 has increased the number of interchange type uses mixing



**Agenda Item 3(b)1**  
**Attachment II**

with established residential uses. Examples of this mixing of uses can be seen in the northeast and southeast quadrants of the interchange where residential uses are within General Commercial Interchange designations as well as the southwest quadrant where a regional interchange type of use has been developed adjacent to the interstate to the east and adjacent to existing residential uses to the west. Additionally, typical interchange uses have been developed in the Urban Community area in the southeast quadrant of the interchange.

County staff concluded that the proposal will result in minimal impacts to public infrastructure and services. If the amendment is approved, allowable density would decrease given that the

General Commercial Interchange future land use designation does not allocate for residential units. According to the County staff analysis, the proposal will in fact lower the demands on public infrastructure and services and eventually if the proposed amendment is adopted because the General commercial Interchange areas are intended for commercial uses without any residential uses. Because of the way the proposed amendment is being done, there will be no increase in the population accommodation capacity of the FLUM.

Based on the Council staff review of the proposed amendment, Council staff agrees with County staff in that many of the impacts of the proposed changes have been adequately addressed. Council staff believes that the changes as proposed by County staff are appropriate and should be supported by the Council. Council staff recommends that the quadrant future land use designation changes of the plan that County staff and Board of County Commission has put forth should be approved.

Because of the previously mentioned reasons and because the proposed amendment does have the size to produce significant impacts on regional resources, such as I-75 and the Orange River, Council staff supports the findings of the County staff and recommends approval of the amendment as identified by County staff. Council staff also finds this amendment to be regionally significant and those items recommended for approval as consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:

## **Natural Resources Element**

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.



**Agenda Item 3(b)1**  
**Attachment II**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Proposed Amendment (CPA 2004-14/ DCA 05-1) Coastal High Hazard Area Density**

This proposed amendment is publicly initiated and changes the Conservation and Coastal Management Element to consider limiting the future population exposed to coastal flooding while considering applications for rezoning in the coastal High Hazard Areas. The amendment clarifies the applicability of existing Policy 75.1.4, which addresses the Lee Plan amendment process, and proposes to add a new Policy, which addresses zoning requests located in the Coastal High Hazard Area.

**Regional Significance and Consistency**

The proposed recommended changes to the subject policies are as follows:

**POLICY 75.1.4:** Through the Lee Plan amendment process, future land use designations of the undeveloped areas within the coastal high hazard areas will be considered for reduced density categories ~~(or assignment of minimum allowable densities where density ranges are permitted)~~ in order to limit the future population exposed to coastal flooding.

**POLICY 75.1.5:** Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services.

The proposed amendment represents a minor adjustment in the existing Board of County Commissioners coastal high hazard policy. The new policy, as proposed, represents sound Board policy that allows evaluation of individual properties circumstances through the zoning process. The proposed evaluation will be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form and availability of urban services.

The proposed amendment has no specific size parameters to identify significant impacts on regional resources; however, because the amended policies could affect large areas of regional coastal resources, and thereby have regional impacts, Council staff finds that the policy changes are regionally significant. Council staff recommends approval of the amendment as identified by County staff. Council staff also recommends the proposed amendment for approval and finds that the request as consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:



## **Natural Resources Element**

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

### **Proposed Amendment (CPA 2004-15 / DCA 05-1) Fort Myers Shores Table 1(b) Update**

This publicly initiated plan amendment will adjust the Planning Community Year 2020 Allocations Table 1(b) to reflect amendments made to the Lee Plan FLUM proposed by the Caloosahatchee Shores Community Plan and adopted by the subsequent plan amendment. The proposed changes will maintain the current population accommodation of the Fort Myers Shores Planning community. The re-allocation between future land use designations reflects development activity in the Planning community area that has demonstrated an increased level of planned development zoning activity in the area between the Orange River and the Caloosahatchee River and a lesser amount of activity in the area west of I-75. No recommended changes have been proposed to the commercial or industrial allocations.

### **Regional Significance and Consistency**

In 2002, with the adoption of the Caloosahatchee Shores Community Plan, 1,022 acres were reclassified to Outlying Suburban within the Fort Myers Planning Community. This amendment reduced the number of acres in the Rural land used designation by 638 acres and the number of acres in the Suburban land use designation by 384 acres. This area is largely undeveloped today with the majority of the land being classified in the Planning Division Existing Land Use Inventory as agriculture (916 acres) and vacant (79 acres). In addition, most of the property designated Outlying Suburban is within an approved planned development. According to the County staff, there is less than 100 acres in the Outlying Suburban designation that are not within one of the planned developments. In 1997, when the Fort Myers shores Planning community was created, no areas with this community were designated Outlying Suburban. After adopting the Caloosahatchee Shores Community Plan and amendments recommended in the plan, the Board of County Commissioners voted to direct County planning staff to revisit the residential allocations in the Fort Myers shores Planning community to address the lands placed into the



## **Agenda Item 3(b)1 Attachment II**

Outlying Suburban designation and development trends pursuant to recommendations from a Planning Division memorandum.

The Fort Myers Shores residential acreage allocation table (Lee Plan Table 1(b)), established by PAM/T 96-13, was amended by PAM/T 99-20 to recognize “market shifts” and changes in development patterns that had occurred since the analysis was completed in 1997. This amendment also addressed issues such as the creation of two new planning communities and incorporation of the City of Bonita Springs. PAM/T 99-20 did not alter the countywide allocation accommodation of the Lee Plan.

County staff recommended that the Table 1(b) residential acreage allocations in the subject planning community be revised allocating 30 acres to Intensive Development, 208 acres to Central Urban, 7 acres to General Commercial Interchange, 783 acres to Rural and 1 acre to Outer Islands.

Based on the Council staff review of the proposed amendment, Council staff supports the County staff with respect to this amendment. Council staff recommends that changes Table 1(b) in the Lee Plan that County staff and Board of County Commission has put forth should be approved.

Because of the previously mentioned reasons and because the proposed amendment does have the size to produce significant impacts on regional resources, Council staff supports the findings of the County staff and recommends approval of the amendment as identified by County staff. Council staff also finds this amendment to be regionally significant and those items recommended for approval as consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:

### **Natural Resources Element**

#### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council’s review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.



**Agenda Item 3(b)1**  
**Attachment II**

**Proposed Amendment (CPA 2004-16 / DCA 05-1) Pine Island Compromise**

This is a proposed public plan amendment to address several issues that have been raised concerning portions of the previous Pine Island plan amendment. The amendment proposes to change the following items in the Lee Plan:

- A. Amend the future Land Use Map (FLUM) series for specified parcels of land (total of approximately 157 acres) located in Section 31, Township 43 South, Range 22 East to change the future land use designation shown on Map 1 from "Coastal Rural" to Outlying Suburban." The property is generally located in the Bokeelia area south of Barrancas Avenue and north of Pinehurst Road;
- B. Amend the Pine Island Vision Statement and Goal 14 to recognize the value of preserving agricultural activities on the island;
- C. Amend the Future Land Use Element Policy 1.4.7, the Coastal Rural Policy, to allow the retention of active or passive agriculture in lieu of habitat restoration to regain density;
- D. Amend the current percentages of preserved or restored uplands in Policy 1.4.7;
- E. Amend the Lee Plan to add a policy that further defines the restoration standards referred to in Policy 1.4.7;
- F. Amend Housing Element Policy 100.2.3 to incorporate a reference to the Coastal Rural future land use designation;
- G. Amend the Pine Island Vision Statement, Goal 14, Table 1(a) footnote 4, the Definition of Density in the Glossary, and any other Plan provision to create a new transfer of development rights program for Pine Island; Amend the definition of Density to allow mixed use projects to retain some or all of their residential density that is typically lost to commercial acreage, if Pine Island TDRs are utilized to regain density; Amend the Mixed Use definition in the Glossary to better define mixed use projects;
- H. Evaluate creating a concurrency exception area for a part of Pine Island Center; and
- I. Evaluate establishing additional Urban Infill areas on the mainland portion of the County to be receiving areas for Pine Island TDRs. Evaluate increasing allowable bonus densities in specific locations based on a point system that incorporates several criteria.



### **Regional Significance and Consistency**

Council staff has reviewed the proposed changes to the Lee Plan with respect to Pine Island and have the following comments:

- A. Amend the future Land Use Map (FLUM) series for specified parcels of land (total of approximately 157 acres) located in Section 31, Township 43 South, Range 22 East to change the future land use designation shown on Map 1 from “Coastal Rural” to Outlying Suburban.” The property is generally located in the Bokeelia area south of Barrancas Avenue and north of Pinehurst Road;

Council staff has reviewed this request and finds no reason as to by the proposed change should not be approved. Council staff finds that the change is not regional in scope and is consistent with the Strategic Regional Policy Plan.

- B. Amend the Pine Island Vision Statement and Goal 14 to recognize the value of preserving agricultural activities on the island. The Pine Island Vision statement is proposed to be changed in the following manner:

Pine Island – This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth, on the one hand and a fragile ecology, on the other and a viable and productive agricultural community. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, farmers, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage “Old Florida” styles, and historic buildings will be treasured. Pine Island will continue to be a place where people, and nature and agriculture exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhance. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

**GOAL 14: GREATER PINE ISLAND.** To manage growth on and around Greater Pine Island so as to maintain the island’s unique natural resources, and character and its viable and productive agricultural community and to insure that island residents and



**Agenda Item 3(b)1**  
**Attachment II**

visitors have a reasonable opportunity to evacuate when a hurricane strike is imminent. For the purpose of this plan, the boundaries of Greater Pine Island are indicated on the Future Land Use Map.

Council staff finds that the changes made to the Pine Island vision statement reinforces the existing conditions that currently present on the island and preserves the agricultural basis of the island. Because these changes forward the Council's economic goals as identified in the Strategic Regional Policy Plan and also enhances the existing agricultural activities on the island, Council staff find that the changes are regionally significant and are consistent with the Strategic Regional Policy Plan.

- C. Amend the Future Land Use Element Policy 1.4.7, the Coastal Rural Policy, to allow the retention of active or passive agriculture in lieu of habitat restoration to regain density. Additions and changes to Policy 1.4.7 are as follows:

**POLICY 1.4.7:** The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portion of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below (Part D).

Council staff has reviewed the commitment of agricultural preservation and finds that these actives are intended to keep agricultural areas on the island and keep that economic activity alive in the future. Council staff finds that the concept is regional in nature in that it impacts a regional resource barrier island and is consistent with the Strategic Regional Policy Plan and

- D. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities. Amendments to the current percentages of preserved or restored uplands in Policy 1.4.7 is as follows:



**Agenda Item 3(b)1**  
**Attachment II**

<u>Percentage of the site uplands that are preserved or restored native habitats or continued in agricultural use on existing farmland</u>	<u>Maximum density if undeveloped land will be permanently preserved or restored as native habitats.</u>	<u>Maximum density if undeveloped land will be continued in agricultural use on existing farmland.</u>
00%	1 DU / 10 acres	1 DU / 10 acres
05%	1 DU / 09 acres	
10%	1 DU / 08 acres	1 DU / 09 acres
15%	1 DU / 08 acres	
20%	1 DU / 06 acres	1 DU / 08 acres
30%	1 DU / 05 acres	1 DU / 07 acres
40%	1 DU / 04 acres	1 DU / 06 acres
50%	1 DU / 03 acres	1 DU / 05 acres
60%	1 DU / 02 acres	1 DU / 03 acres
70%	1 DU / 01 acres	1 DU / 02 acres

Council staff finds that the percentages are reasonable and consistent with current planning principals and do not object.

- E. Amend the Lee Plan to add a policy that further defines the restoration standards referred to in Policy 1.4.7:

Existing farmland is depicted on Map 21. Areas for buffers, lakes, and utilities may consist of up to 10% of upland preserve areas.

Council staff finds that the areas depicted on Map 21 are reasonable and consistent with current planning principals and does not object to the requested changes..

- F. Amend Housing Element Policy 100.2.3 to incorporate a reference to the Coastal Rural future land use designation;

**POLICY 100.2.3:** Housing for farm workers, as defined by ss 420.503, Florida Statutes, may be permitted in the Rural, Coastal Rural, Open Lands, and Density Reduction/Groundwater Resource land use categories with respect to the density limitation that apply to conventional residential districts. The density of such housing is limited to 50 occupants per acre of actual housing area and will be reviewed on a case-by-case basis during the planned development or Special Exception zoning process. The applicant must demonstrate that impacts of the farm worker housing will be mitigated.

Council staff believes that in the context of this request the addition farm worker housing in the Coastal Rural land use designation is appropriate and necessary for the successful



**Agenda Item 3(b)1**  
**Attachment II**

operation of the agricultural activities that are being preserved. Council staff supports this addition to Policy 100.23 and finds it to be consistent with the affordable housing goals found in the Strategic Regional Policy plan. Council staff does not believe that this housing will be of the magnitude to have significant impacts on regional resources.

- G. Amend the Pine Island Vision Statement, Goal 14, Table 1(a) footnote 4, the Definition of Density in the Glossary, and any other Plan provision to create a new transfer of development rights program for Pine Island; Amend the definition of Density to allow mixed use projects to retain some or all of their residential density that is typically lost to commercial acreage, if Pine Island TDRs are utilized to regain density; Amend the Mixed Use definition in the Glossary to better define mixed use projects;

~~4. No land will be rezoned on Pine Island, excluding the Matlacha, Bokeelia, and St. James City areas currently classified as Future Urban Areas, to a zoning district which permits a density higher than 3 dwelling units per gross acre. Land currently zoned in a zoning district which permits a residential density in excess of 3 dwelling units per gross acre will be allowed a density higher than 3 du/acre provided that all other applicable regulations are met, and provided further that no density will be allowed above that which is permitted by the zoning which was in effect for said property as of November 25, 1986, which ever is lower. Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "purchase" the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories.~~

Council staff believes that in the context of this request the addition density required for development in the Future Pine Island Center are is appropriate and necessary for the island's activities. The requirement to purchase density for the Pine Island Center will facilitate the preservation of agricultural land and therefore Council staff supports this requirement and finds it to be consistent with the agricultural goals found in the Strategic Regional Policy plan. Council staff believes that this requirement will not be of the magnitude to have significant impacts on regional resources.

- H. Evaluate creating a concurrency exception area for a part of Pine Island Center; and

**POLICY 14.2.5:** Lee County will investigate the merits of creating a concurrency exception area for a portion of Pine Island Center. The concurrency exception area will promote the expansion of public transportation to and from the Greater Pine Island area.

Council staff does not object to the County's investigating the merits of creating a concurrency exception area for Pine Island Center. Due to the unusual access on and off the island, an exception area for the center will probably be necessary. The proper development of the Pine Island Center should be facilitated as much as possible in order



**Agenda Item 3(b)1**  
**Attachment II**

to keep as much of the island's residents off the access road to the island and thereby increase efficiency of the area's road network. Council staff does not object to this investigation.

- I. Evaluate establishing additional Urban Infill areas on the mainland portion of the County to be receiving areas for Pine Island TDRs. Evaluate increasing allowable bonus densities in specific locations based on a point system that incorporates several criteria.

**OBJECTIVE 14.6:** Agriculture Uses. To promote and preserve the rural character of Pine Island, Lee County will strive to foster a viable and productive agricultural community on the island.

**POLICY 14.6.1:** Lee County will maintain a map (Map 21) of all existing farmland on Pine Island.

**POLICY 14.6.2:** Lee County, by 2009, will evaluate creating a Purchase of Development Rights Program with the objective of preserving Pine Island agricultural uses.

**POLICY 14.6.3:** By 2007, Lee County will amend the Lee county Land Development code to establish a Pine Island Transfer of Development rights (TDR) program to supplement the existing wetland TDR program. The program will be open to properties depicted on Map 21 as well as other Pine Island lands deemed acceptable by the Board of County Commissioners.

**DENSITY** – The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential densities, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights-of-way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2 commercial development that includes commercial and residential uses with the same project or the same building do not have to exclude the commercial lands from the density calculation. For Mixed Use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories.



**Agenda Item 3(b)1**  
**Attachment II**

**MIXED USE BUILDING** – Mixed Use Building means a building that contains at least two different land uses (i.e. commercial and residential, R&D and residential and residential, office and residential, commercial and civic use open to the public) that are related.

**MIXED USE** – The development, in a compact urban form, of land or building or structure with two or more different but compatible uses, such as but not limited to: residential, office, industrial and technological, retail, commercial, public, entertainment, or recreation. True mixed use developments primarily consist of mixed use buildings as defined by this Glossary.

Council staff finds that the refinement of these policies and definitions are procedural in nature and are not regionally significant. Overall, these changes to the Pine Island Plan will assist the agricultural base in the County and will assist in the proper future development of Pine Island Center. Council staff finds these requests to be regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

## **Economic Development**

### **Livable Communities**

**Strategy:** Promote agriculture in the face of growing competition for land and water.

**Actions 1:** Cooperate with public and private entities to protect lands with high, sustainable production capability.

**Actions 2:** Participate in economic analyses of agricultural uses.

## **Affordable Housing**

### **The Supply of Affordable Housing**

**Goal 1:** Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.

**Strategy:** Increase the supply of affordable housing through public and private efforts.

**Action 1:** Assist local governments in identifying the housing needs of very low, low and moderate-income households in the Region.



**Agenda Item 3(b)1**  
**Attachment II**

**Action 2:** Review housing elements of local comprehensive plans to ensure those needs are identified and considered when funding choices are made.

**Action 4:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Conclusion**

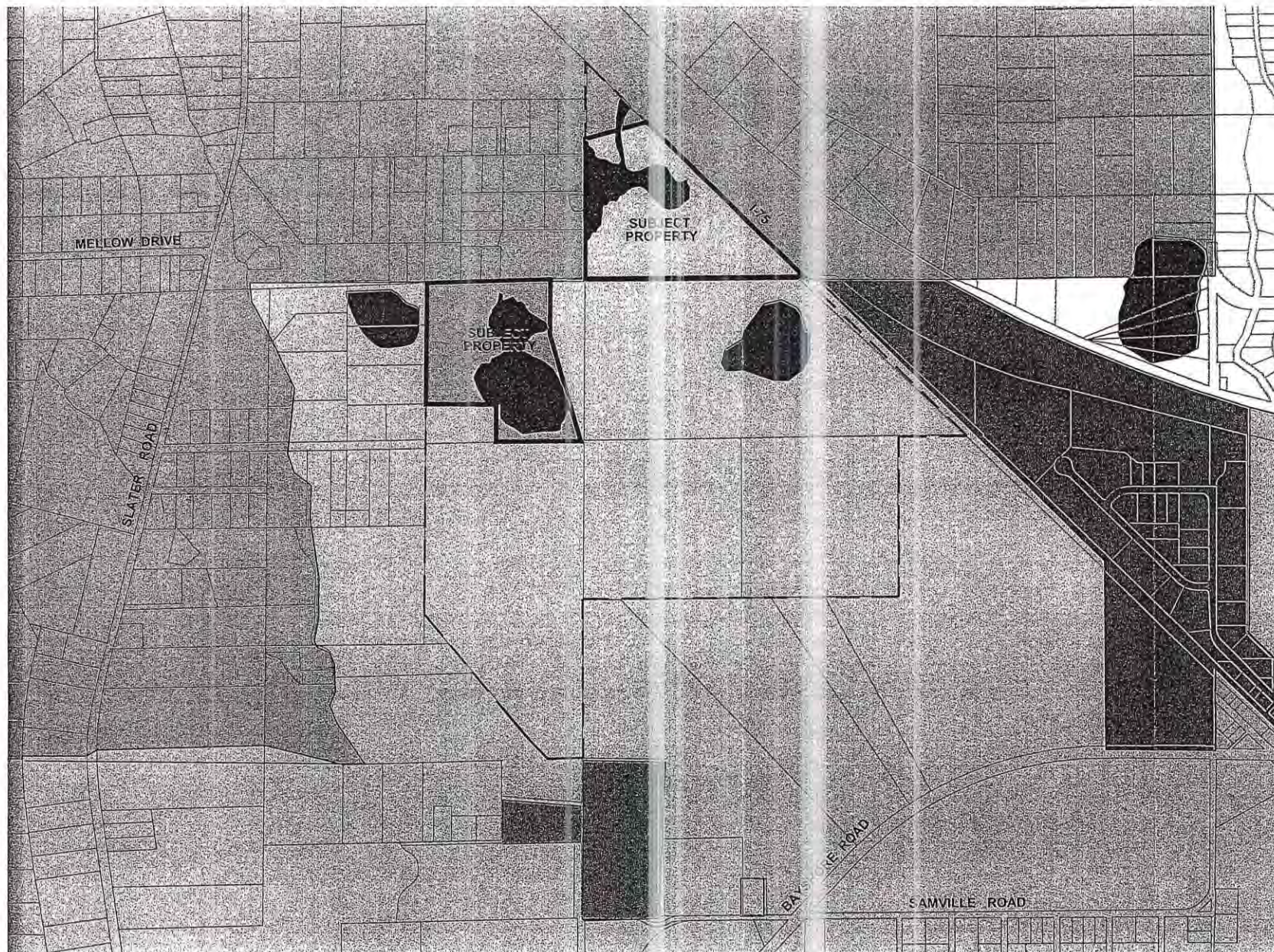
Council staff finds that three of the eight proposed amendments requested are not regionally significant; five of the eight are regionally significant and one of the eight is procedural. Council staff recommends that the Council approve all the requests, approve Council staff comments, and find that all eight of the requests are consistent with the Strategic Regional Policy Plan, July 4, 2002.



# **Maps**

**Lee County**  
**DCA 05-1**





### LEGEND

FLUMNex02

Land Use

- ☒ Industrial Developer
- ☐ Outlying Suburban
- ☐ Public Facilities
- ☒ Rural
- ☒ Suburban
- ☐ Wetlands



Proposed Future Land Use Map  
OAK CREEK  
COMPREHENSIVE PLAN AMENDMENT  
LEE COUNTY, FLORIDA

MAP 3



**Barraco**  
and Associates, Inc.

CIVIL ENGINEERING, SURVEYING AND LAND DEVELOPMENT CONSULTANTS  
2871 WASHINGTON BLVD., PORT OFFICE (DRAWER 280), PORT MYERS, FLORIDA 33901  
PHONE (888) 454-4476 • WWW.DISTRICTS.FL • FAX (336) 454-7496  
FLORIDA CERTIFICATE OF AUTHORIZATION: MEASUREMENTS DIV. - SURVEYING L.



### Legend

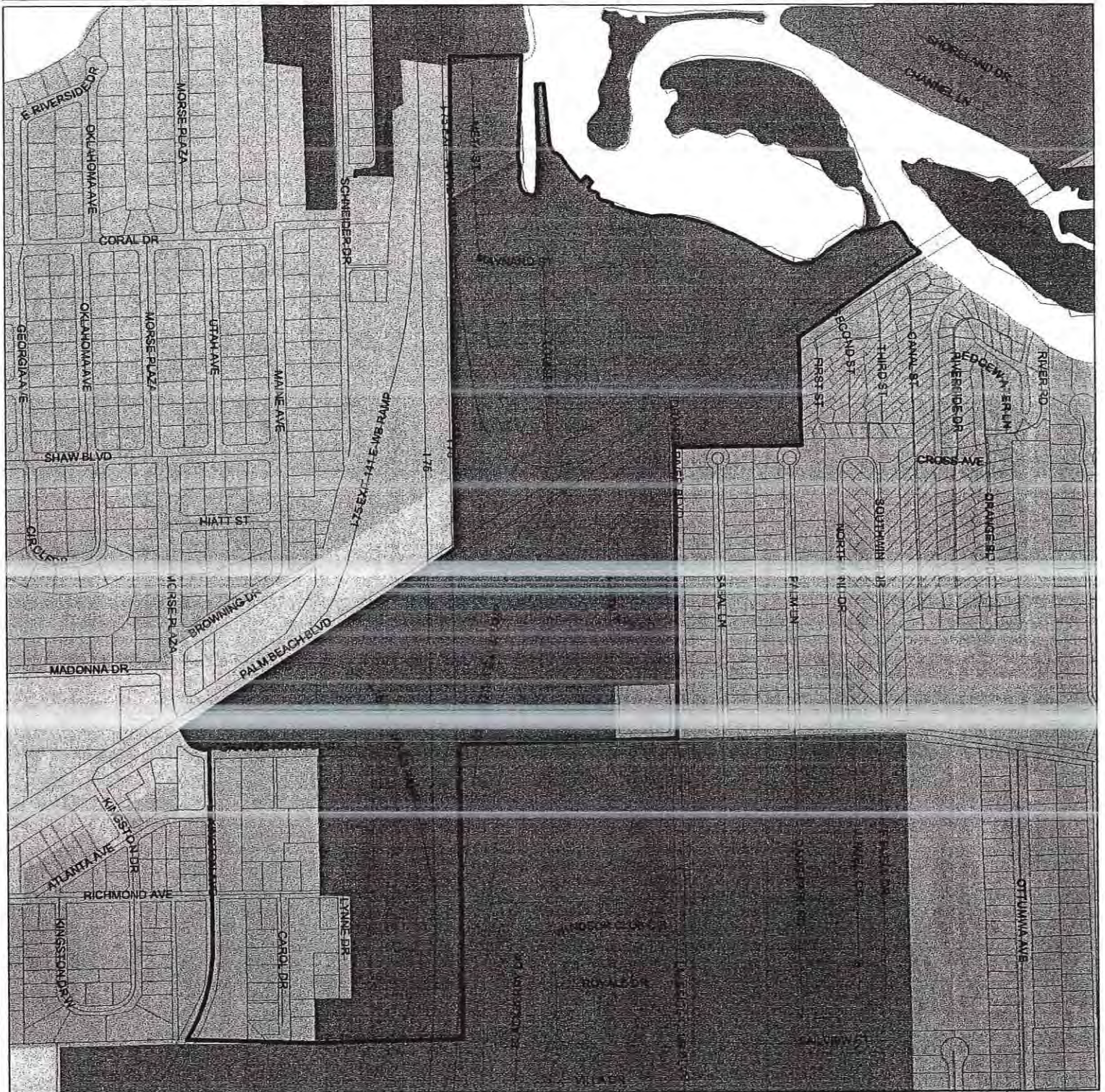
Study Area	Residential Mobile Home/RV	Agricultural
ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)	Residential Amenity	Public
Wetlands	Commercial Retail	Vacant
Conservation Lands - Wetlands	Commercial Hotel/RV Campground	ROW
Existing Land Use	Commercial Office/Service	
Residential Single Family	Commercial Docks	
Residential Multi-Family	Multiple Uses	



100 200 300 400 500 Feet







☐ Study Area

### Future Land Use Designations

☐ Intensive Development

☐ Central Urban

☐ Urban Community

☐ Suburban

☐ Public Facilities

☐ General Commercial Interchange

☐ Conservation Lands - Uplands

☐ Wetlands

☐ Conservation Lands - Wetlands





Pine Island Sound



0.3 0.15 0 0.3 0.6  
Miles

### Legend

- Existing Farmland
- Road Centerline

### Future Land Use Categories

- Urban Community
- Suburban
- Outlying Suburban
- Coastal Rural
- Wetlands



LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated May 2006  
Source: Lee County DCD/Planning



Charlotte Harbour

Pine Island Sound



**Legend**

- Existing Farmland
- Road Centerline

**Future Land Use Categories**

- Urban Community
- Suburban
- Outlying Suburban
- Coastal Rural
- Wetlands

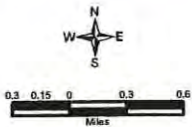


LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated: May 2008  
Source: Lee County DCD Planning



Pine Island Sound



### Legend

- Existing Farmland
- Road Centerline

### Agricultural Uses

- Ornamentals/Landscaping
- Active Agriculture
- Citrus
- Farming/Crops

 **LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated: May 2006  
Source: Lee County OGD/Planning



**Legend**

Existing Farmland

Road Centerline

**Agricultural Uses**

Ornamentals/  
Landscaping

Active  
Agriculture

Citrus






Farming/  
Crops


**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated May 2008  
Source: Lee County DCDP/Planning



EXISTING FARM AND AGRICULTURAL LAND

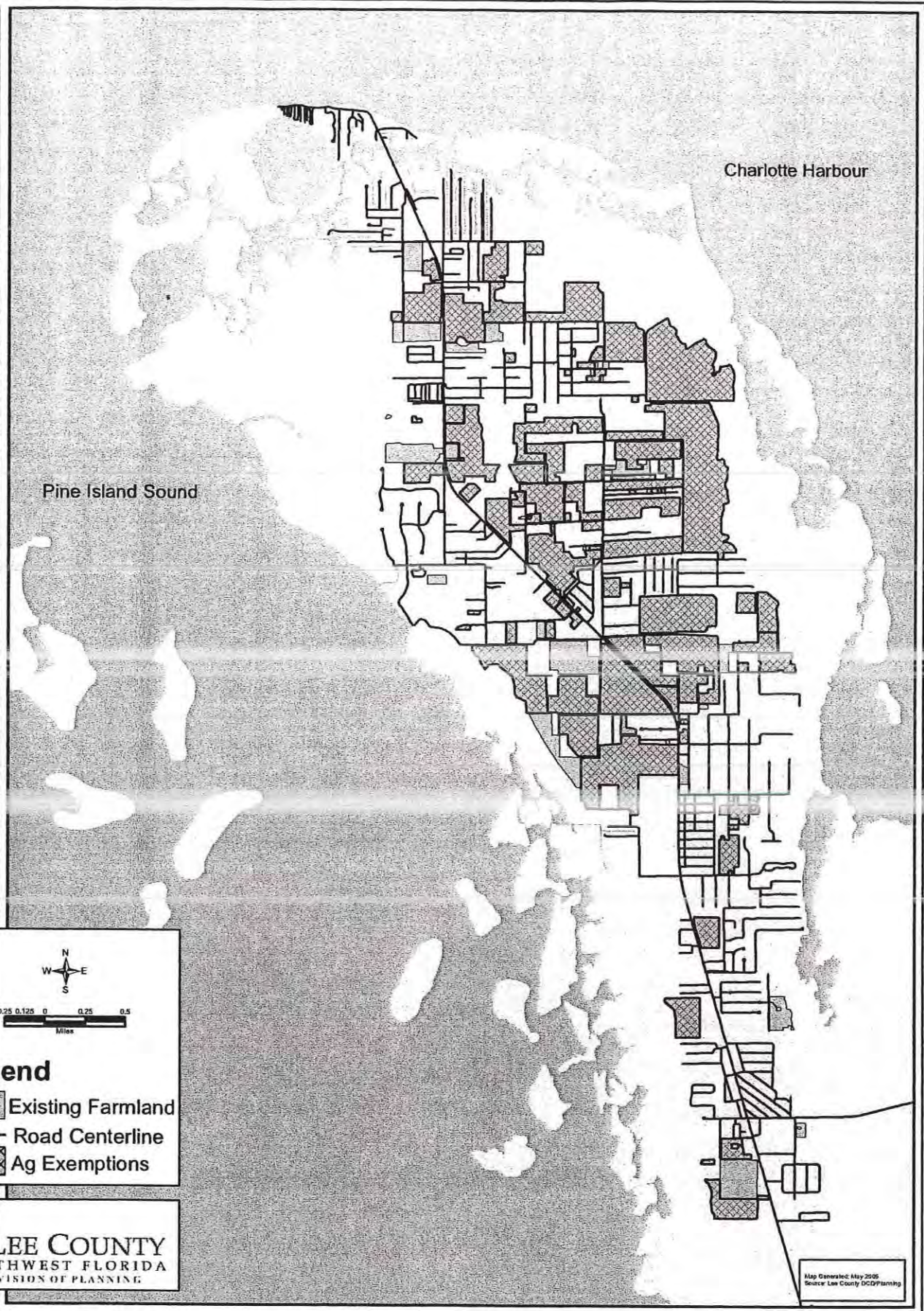
  
  
**Legend**  
 Existing Farmland  
 Road Centerline  
 Ag Exemptions

**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Pine Island Sound

Map Generated: May 2006  
Source: Lee County DCD/Planning





Pine Island Sound

Charlotte Harbour



0.25 0.125 0 0.25 0.5  
Miles

### Legend

- Existing Farmland
- Road Centerline
- Ag Exemptions



LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated: May 2005  
Source: Lee County DCD/Planning



EXISTING FARMLAND

Pine Island Sound

N  
W E  
S

0.5 0.25 0 0.5 1  
Miles

**Legend**

Existing Farmland

Road Centerline

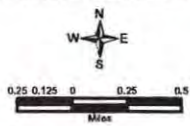
 **LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated: May 2006  
Source: Lee County DCD/Planning





Charlotte Harbour

Pine Island Sound



### Legend

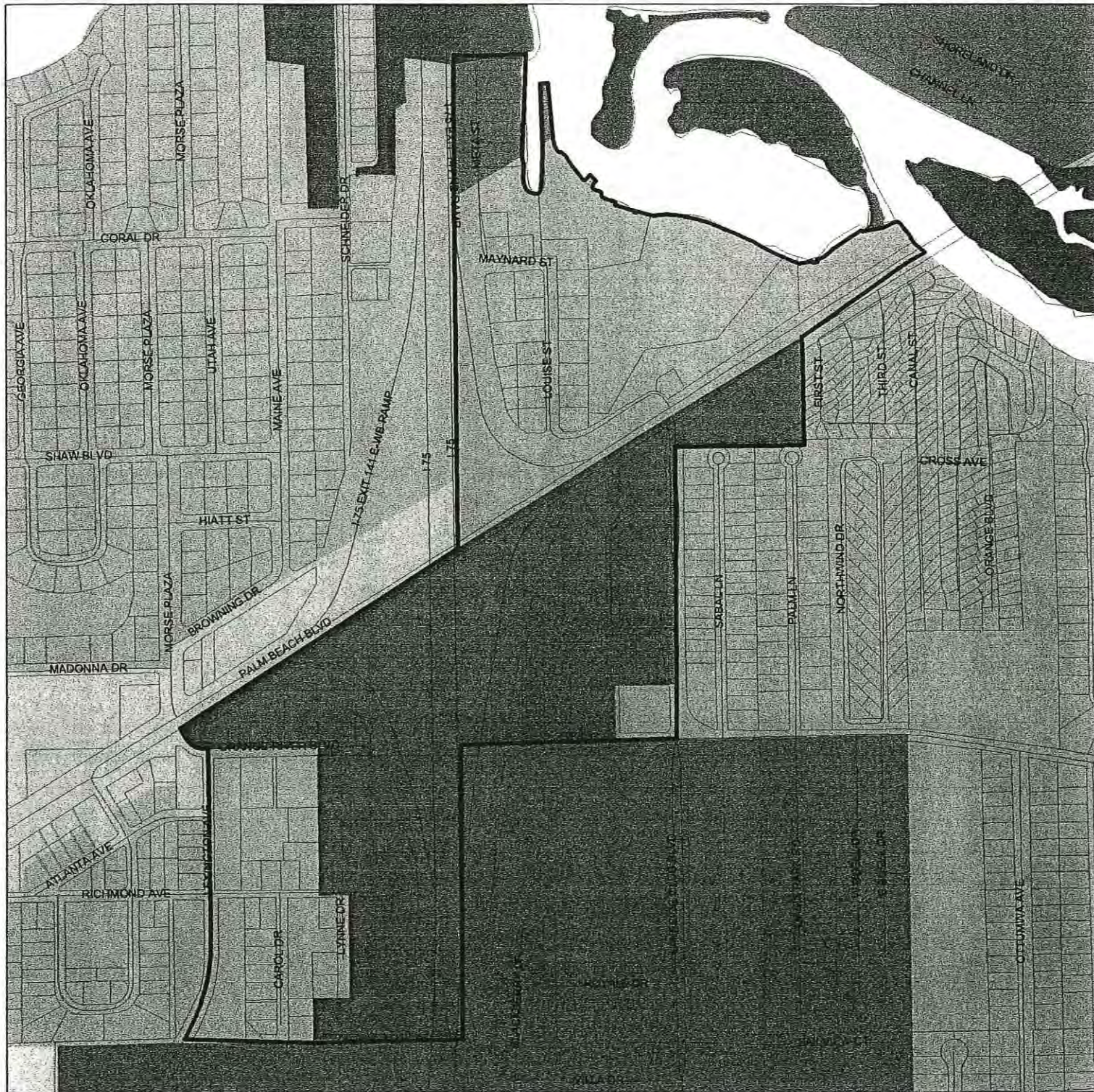
-  Existing Farmland
-  Road Centerline



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated May 2006  
Source: Lee County OC&P Planning





Study Area

### Future Land Use Designations

Intensive Development

Central Urban

Urban Community

Suburban

Public Facilities

General Commercial Interchange

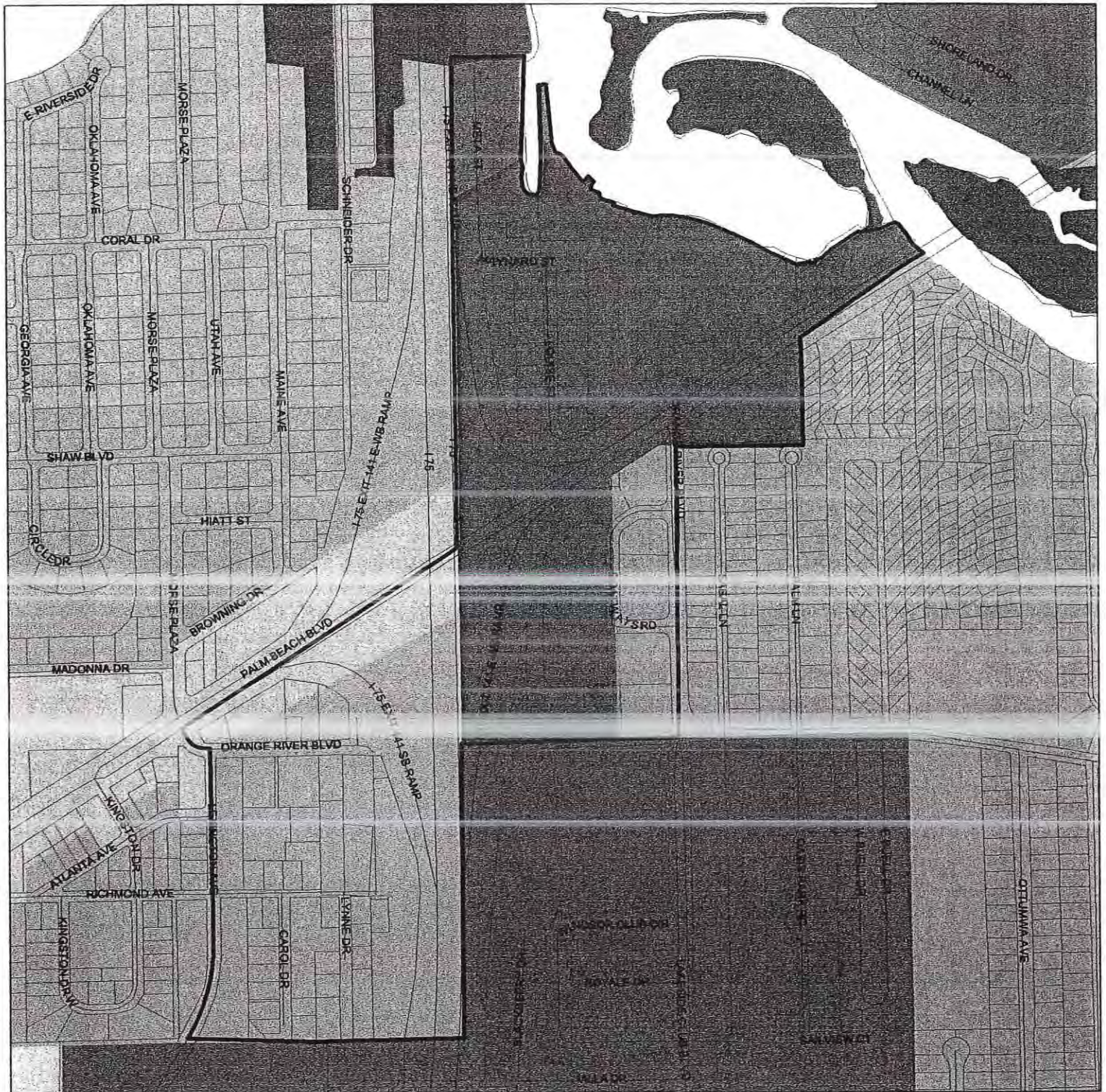
Conservation Lands - Uplands

Wetlands


Conservation Lands - Wetlands










Generated: April 2005  
Source: Lee County DCD/Planning


 Study Area


### Future Land Use Designations


 Intensive Development


 Central Urban

 Urban Community


 Suburban

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 Conservation Lands - Uplands

 Wetlands

 Conservation Lands - Wetlands

