



THE SCHOOL DISTRICT OF LEE COUNTY

Jacqueline Heredia

District Planning Specialist

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1494

March 10, 2023

RE: Single Family Concurrency Review in N River RD

Dear Jeremy Frantz:

This letter is in response to your request for concurrency review dated February 15, 2022 for the subject property in 13230 N River Road regard to educational impact East Zone.

This development is a request for 1099 Single family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, .149 for elementary, .0071 for middle and .077 for high. A total of 326.4 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1494

Sincerely,

Jacqueline Heredia, District Planning Specialist

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER Cary Duke Povia RPD
OWNER/AGENT RVI
ITEM DESCRIPTION

LOCATION 13230 N River Road
ACRES 788.00
CURRENT FLU RPD
CURRENT ZONING

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
1099		0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
0.149	0.058		163.75
0.071	0.028		78.03
0.077	0.03		84.62
Source: Lee County School District, September 8, 2018 letter			

CSA SCHOOL NAME 2022/23

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
East CSA, Elementary	14,234	14,026	208	164	44	100%	
East CSA, Middle	7,293	6,912	381	78	303	96%	
East CSA, High	9,536	8,492	1,044	85	959	90%	
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan							
(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)							
(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual							

Prepared by: Jacqueline Heredia, District Planning Specialist

Cary+Duke+Povia RPD

(DCI2022-00067)



LEE COUNTY HEARING EXAMINER - SEPTEMBER 20, 2024

NEALCOMMUNITIES

Where You Live Matters

PLANNING REBUTTAL

Alexis Crespo, AICP

- 48 Hour Letter Overview
- Zoning Considerations
 - “Spot Zoning”
 - Variance Criteria for Buffer Deviation
- Lee Plan Consistency relating to Rural Character, Compatibility & Coastal High Hazard Area

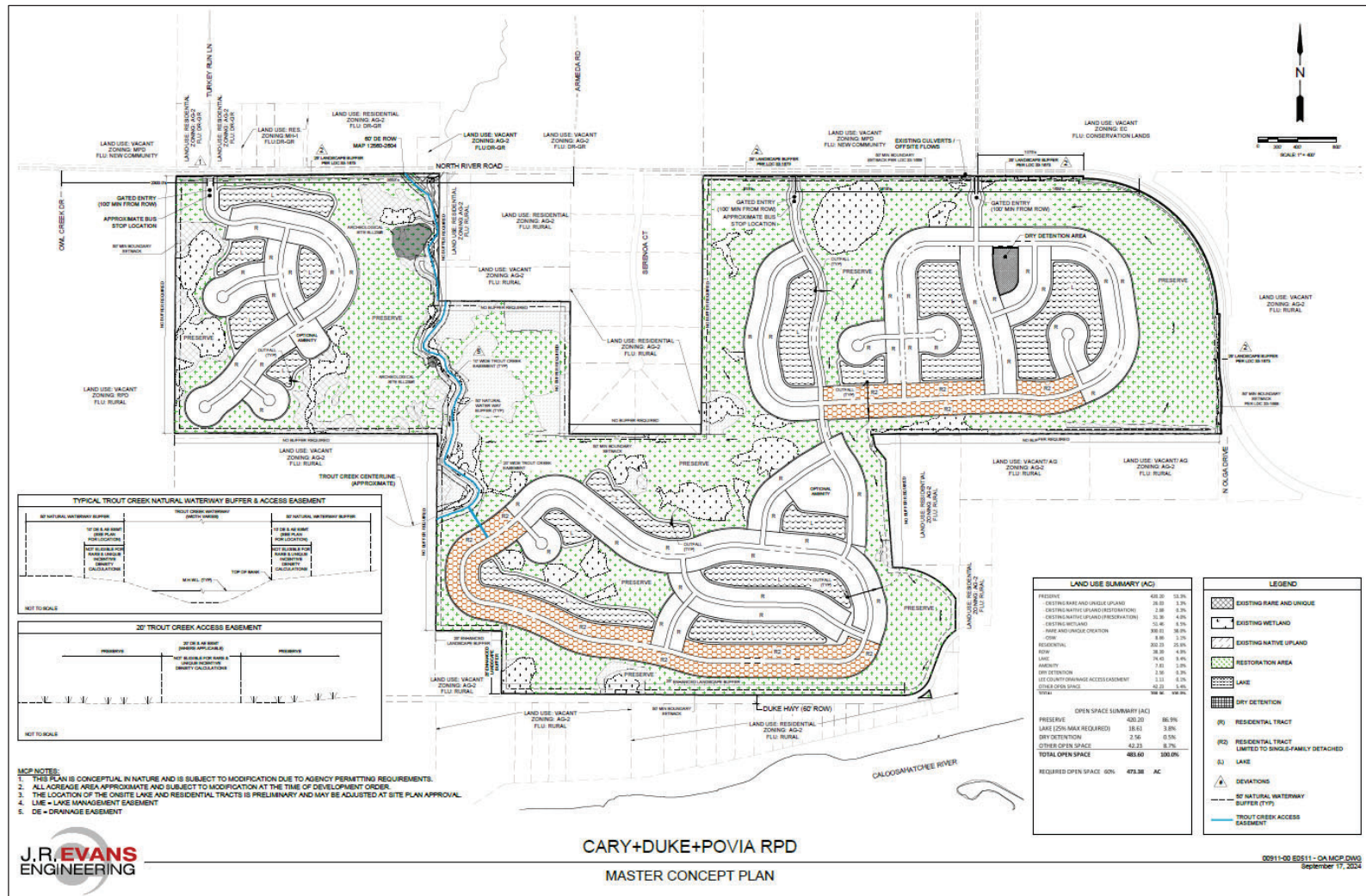
Condition 2.a.

- Two-Family Attached (limited to the R Tract only)

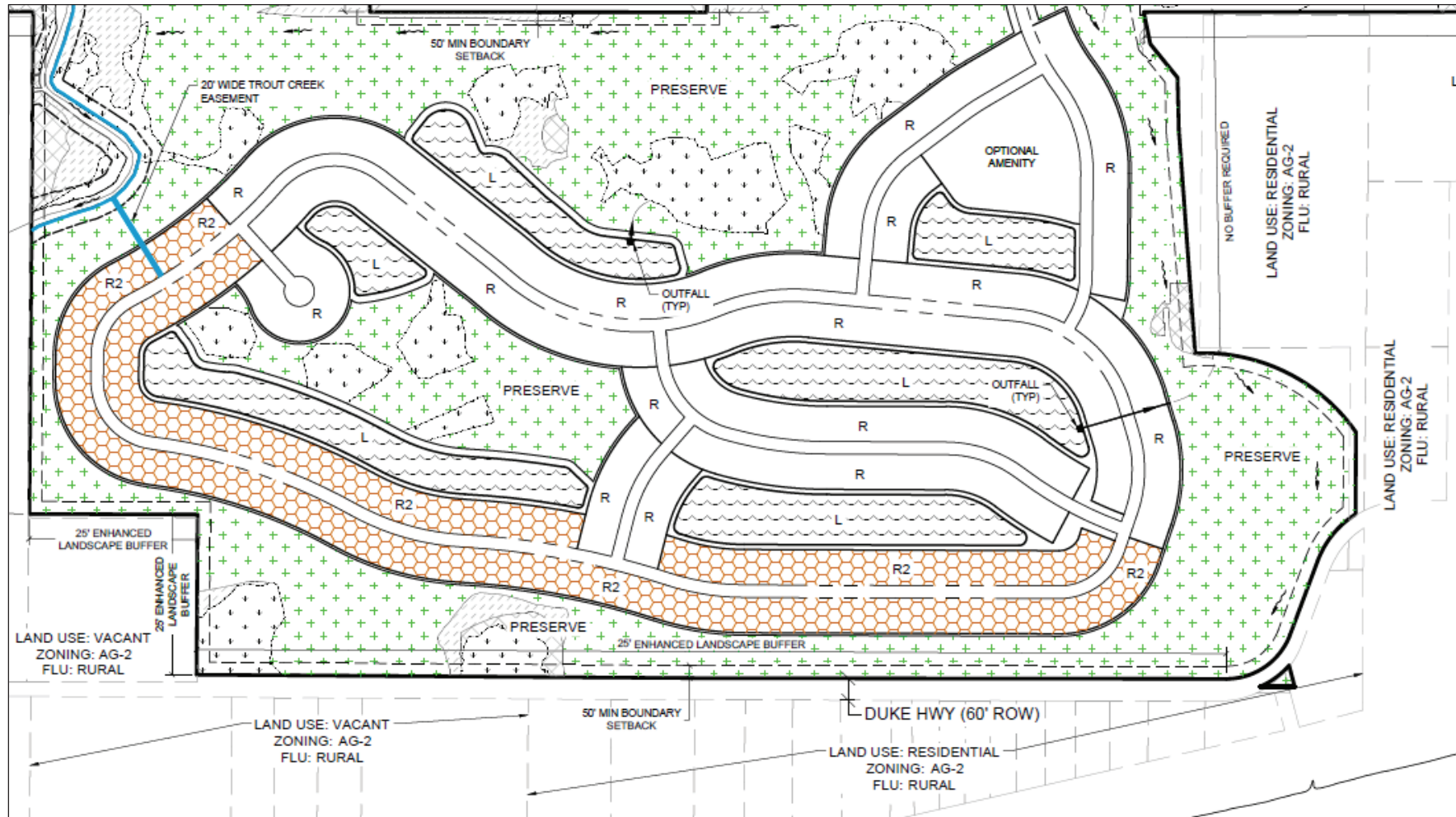
Condition 2.b.

- Increased Single-Family Detached lot size from 4,000 SF to 4,800 SF (via increase in lot depth from 100' to 120')
- Increased Single-Family Attached lot size from 3,000 SF to 4,200 SF (via increase in lot width from 30' to 35' depth from 100' to 120')
- Footnote 6 added to memorialize 170' PD setback from Duke Hwy. and 250' PD setback from North River Road for dwelling units

CARY+DUKE+POVIA RPD



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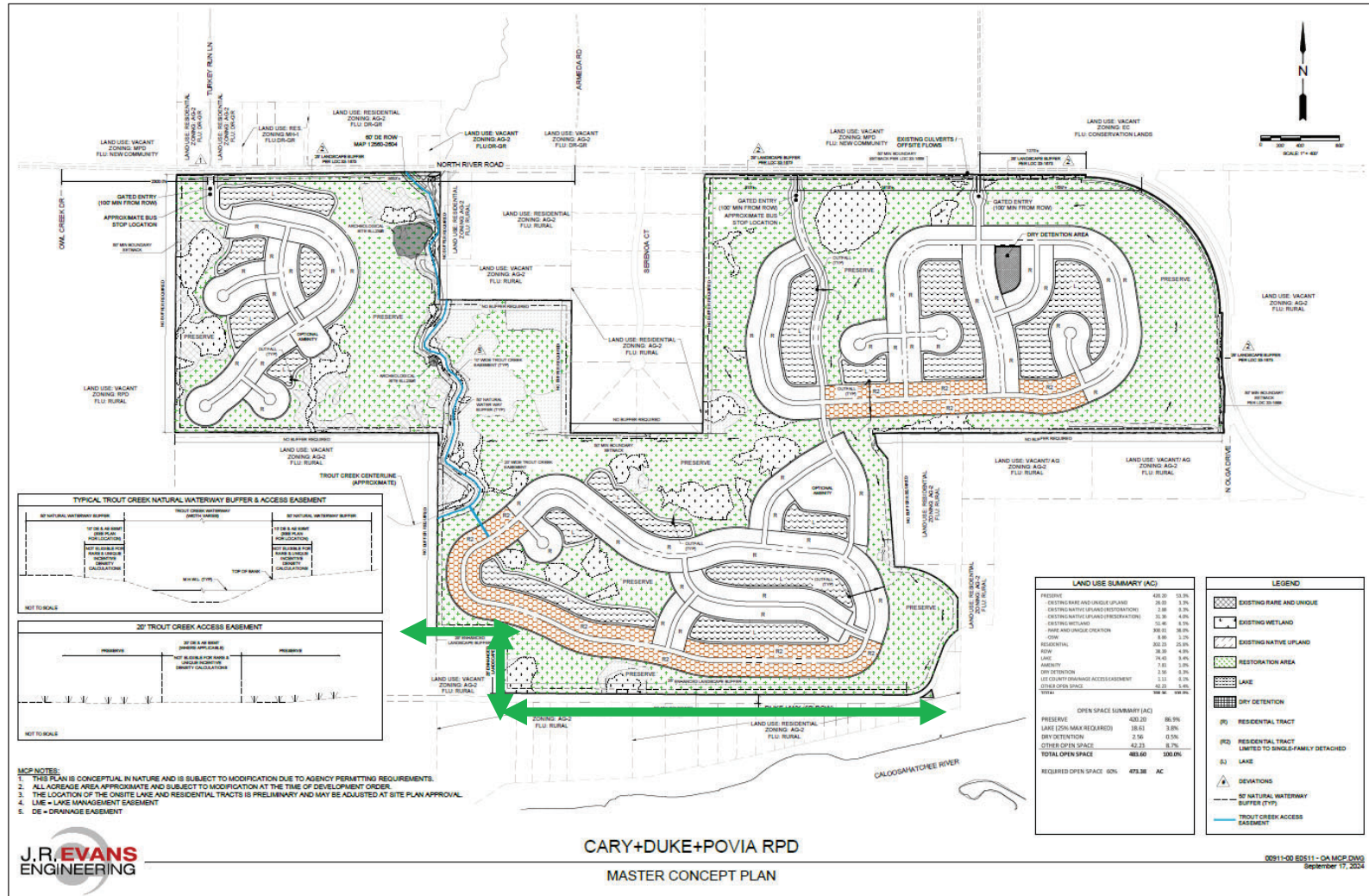




Condition 3.b.

- b. Prior to development order approval for individual lots within the development, any lot within 300 feet of the development perimeter to be a minimum of 15,000 square feet. An enhanced native buffer shall be provided as shown on the Master Concept Plan with a minimum width of 25 feet and within the 170-foot minimum setback to fill in visual gaps in the existing native vegetation and restoration areas to form a continuous, 100% opaque vegetative screen within 5 years of growth.
- i. The enhanced buffer shall meet the following minimum planting density per 100-linear-feet by 25-foot-width: six (6) native canopy trees, seven (7) native understory trees, three (3) Cabbage Palms and twenty-one (21) native shrubs as shown on Attachment X.
- ii. The planting density may be achieved with a combination of existing and/or proposed enhanced native vegetation so long as trees are horizontally spaced no more than 15-feet-on-center and Cabbage Palms and shrubs are clustered in groups of three (3).
- iii. Enhanced buffer plantings will include minimum 10-foot-tall, 2-inch caliper native canopy trees, minimum 10-foot clear trunk Cabbage Palms, minimum 10-foot-tall native understory trees, and minimum 4-foot-tall shrubs.
- iv. The enhanced native vegetation species will be consistent with and in addition to the approved Indigenous Preserve Management and Restoration Plan Supplemental Plantings List (May 2024) within this buffer. Restoration plantings will not contribute to the buffer plant material requirements set forth in this condition.
- v. Exotic vegetation removed within the 25-foot buffer will be hand removed to minimize disturbance to existing native vegetation.
- vi. Prior to approval of a Development Order authorizing residential lots within 300' of the 25-foot-wide enhanced buffer as depicted on the Master Concept Plan, a Certificate of Compliance must be issued for the installation of the enhanced buffer.

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100.0'

DUKE HIGHWAY

PROPERTY BOUNDARY

EXISTING NATIVE VEGETATION
&
RESTORATION PLANTINGS

PROPOSED NATIVE SHRUB

PROPOSED UNDERSTORY TREE

PROPOSED CABBAGE PALM

PROPOSED CANOPY TREE

25.0' ENHANCED BUFFER

170.0' PRESERVE

10.0' DE

20.0' TO PRESERVE

5.0' REAR ACCESSORY SETBACK

REAR LOT LINE

5.0' SIDE SETBACK

5.0' SIDE SETBACK

5.0' SIDE SETBACK

5.0' SIDE SETBACK

40.0' MIN. WIDTH

40.0' MIN. WIDTH

40.0' MIN. WIDTH

10.0' REAR PRINCIPAL SETBACK

6

CARY+DUKE+POVIA RPD

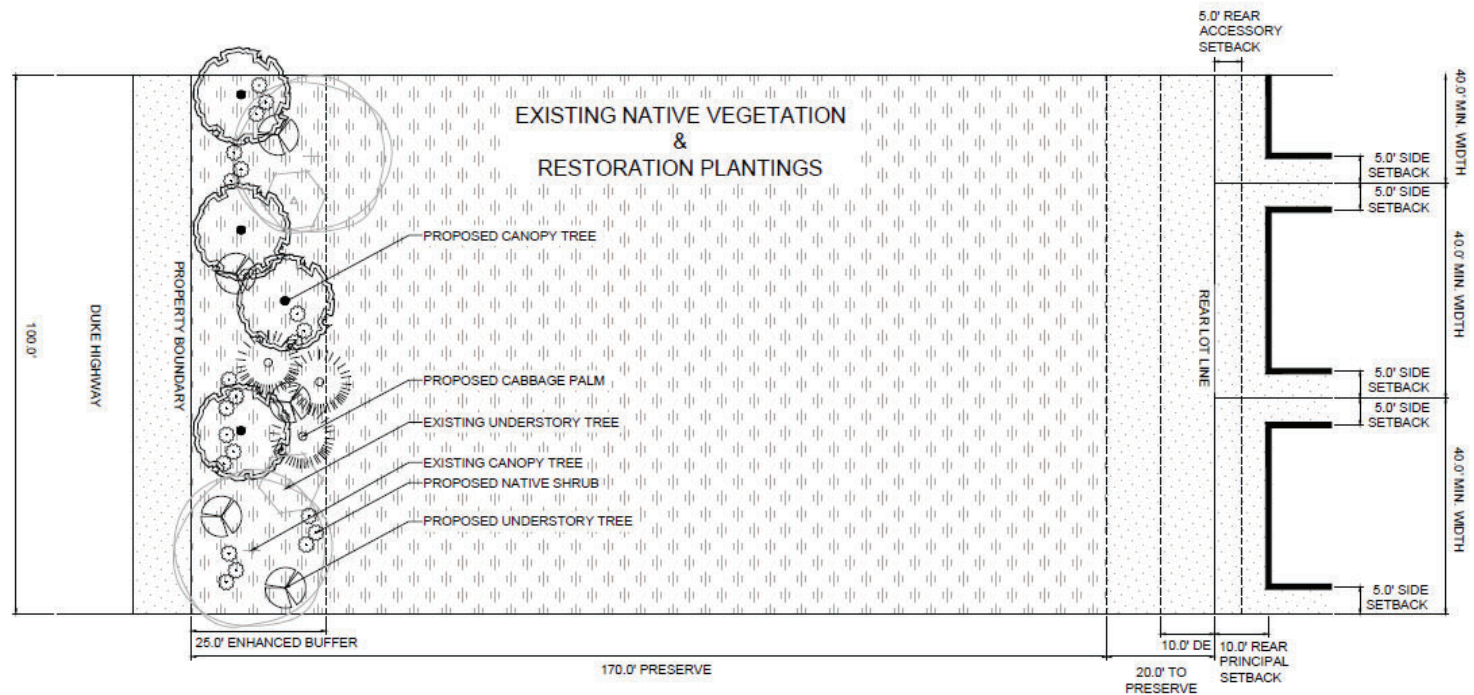
ENHANCED NATIVE BUFFER 25 FT. WIDE ENHANCED BUFFER	
Category	Required
Canopy Trees	6' / 100 LF
Understory Trees	7' / 100 LF
Cabbage Palms	3' / 100 LF
Native Shrubs	2' / 100 LF

1. The proposed buffer shall meet the following minimum canopy density: 10% canopy density for the first 25 feet and 20% canopy density for the remainder of the buffer. The buffer shall be a minimum of 25 feet wide and shall be a minimum of 25 feet wide. The buffer shall be a minimum of 25 feet wide and shall be a minimum of 25 feet wide.

2. The proposed buffer shall be a minimum of 25 feet wide and shall be a minimum of 25 feet wide. The buffer shall be a minimum of 25 feet wide and shall be a minimum of 25 feet wide.

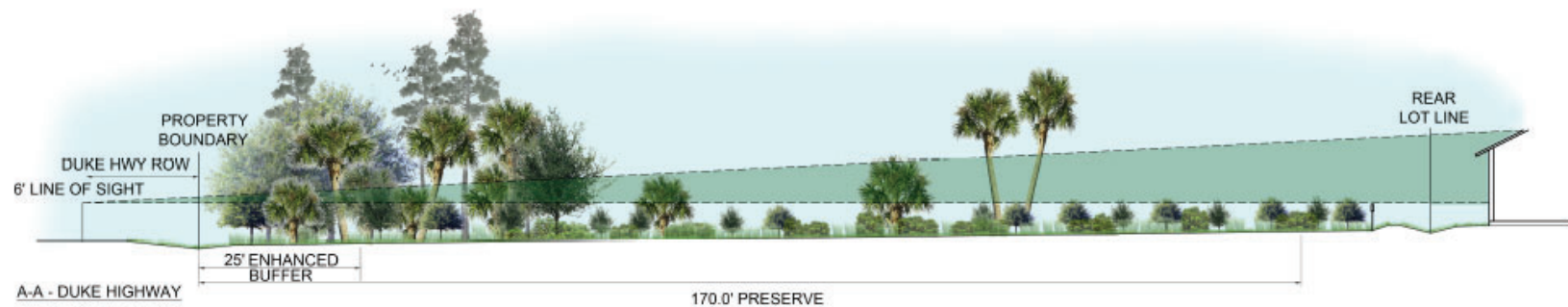
3. The proposed buffer shall be a minimum of 25 feet wide and shall be a minimum of 25 feet wide. The buffer shall be a minimum of 25 feet wide and shall be a minimum of 25 feet wide.

4. The proposed buffer shall be a minimum of 25 feet wide and shall be a minimum of 25 feet wide. The buffer shall be a minimum of 25 feet wide and shall be a minimum of 25 feet wide.



ENHANCED NATIVE BUFFER - EXISTING NATIVE VEGETATION

CARY+DUKE+POVIA RPD



DUKE HIGHWAY - EXISTING NATIVE VEGETATION, RESTORATION PLANTINGS AND ENHANCED NATIVE 10' HEIGHT CANOPY TREES, 10' HEIGHT UNDERSTORY TREES, 10' CT CABBAGE PALMS, & 4' TALL SHRUBS (INITIAL PLANTING, AFTER REMOVAL OF EXOTICS)

CARY+DUKE+POVIA RPD



DUKE HIGHWAY - EXISTING NATIVE VEGETATION, RESTORATION PLANTINGS AND ENHANCED NATIVE 10' HEIGHT CANOPY TREES, 10' HEIGHT UNDERSTORY TREES, 10' CT CABBAGE PALMS, & 4' TALL SHRUBS (5 YEARS OF GROWTH)

CARY+DUKE+POVIA RPD

From: [Keith Cary](#)
To: [Alexis Crespo](#)
Cc: [Keith Cary](#); [Jack Weber](#)
Subject: Cary Duke Povia RPD - No Objection
Date: Thursday, September 12, 2024 11:39:25 AM

To Whom it May Concern

I am the owner of the residence and property located at 18451 N Olga Dr Alva, Fl. I am also the Manager of Cary Land Company, LLC the owner of the parcels adjacent to this parcel and South of the Povia parcel and proposed RPD.

I have no objection to the rezoning of the abutting Neal RPD and I am in support of the proposal for the restored preserve areas we abut. I do not request or believe an enhanced 25' buffer is required in the area abutting our property based on my homes location and the proposed community design.

If you need any further information please advise.

Best Regards,

G. Keith Cary
PO Box 718
Fort Myers, FL 33902

External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Condition 5. Public Safety Level of Service

Prior to Development Order approval for any phase of work, the applicant must demonstrate that the sufficient Level of Service availability of services for public safety can be provided with no objection from the Lee County Public Safety Office for that phase of work.

10. Indigenous Habitat Restoration/ Management Plan

- a. Prior to the issuance of the first development order ~~for any phase of work~~, the development order plans must be in substantial compliance with the Indigenous Habitat Management Plan Revised May 2024 and received May 31, 2022.

Condition 16. Transportation Impacts

Regardless of any land use density/intensity conversion allowed per the Land Development Code or zoning condition specific to this development, the development is allowed a maximum calculated development intensity with respect to new trip generation utilizing the following development scenario based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order: 1,099 Units of Single-Family Residential (LUG 210).

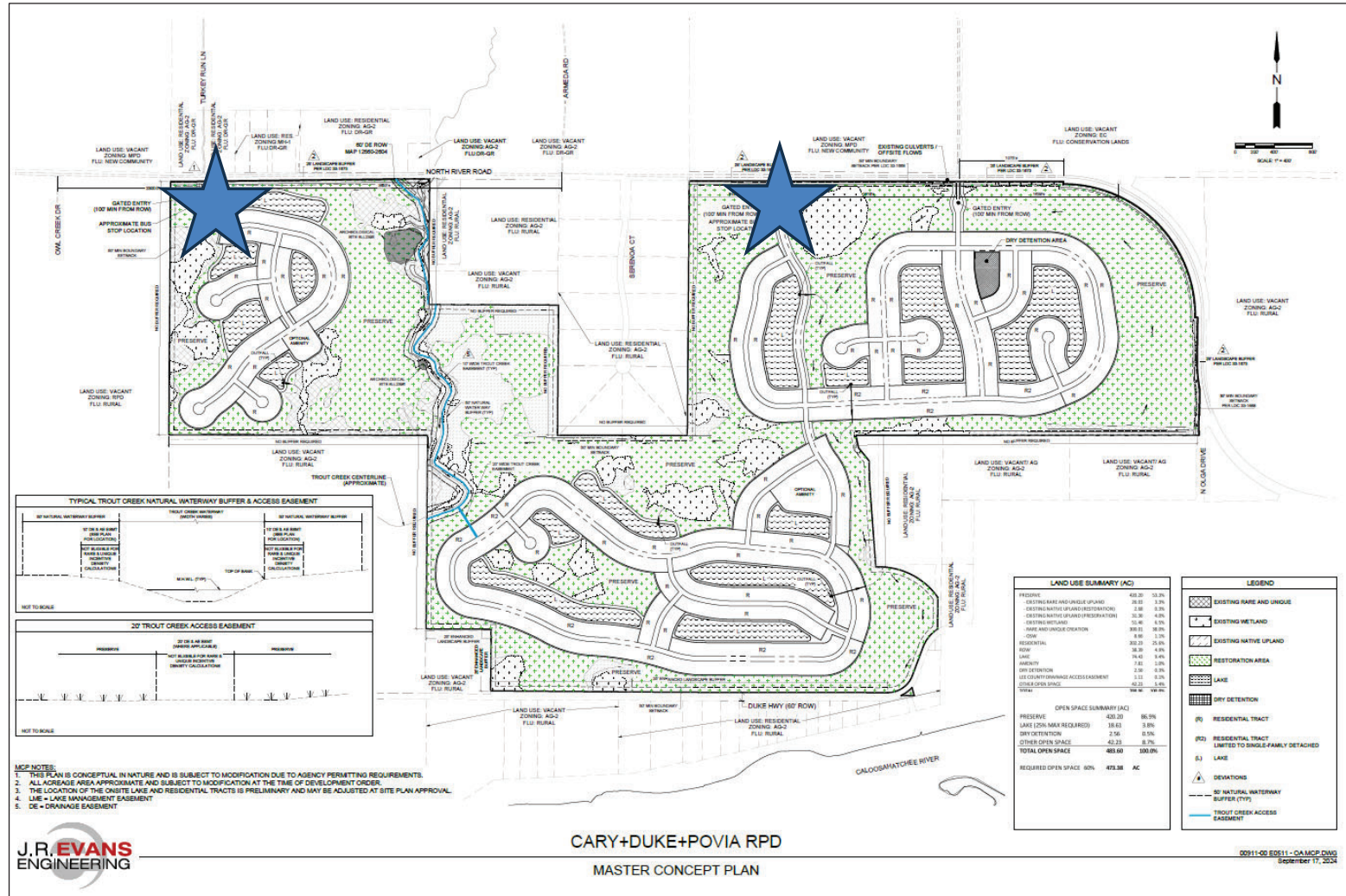
Condition 17. Agricultural Uses

(ii) Clearing or injury of native trees and/or other native vegetation, including understory, in agricultural areas is prohibited except when done pursuant to a vegetation removal permit. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed but may not be cleared or expanded. This prohibition of clearing or expansion is not intended to preclude County approved requests for removal of invasive exotic vegetation. Violations of this condition will require restoration in accordance with Section 10-423 of the LDC.

18. A school bus pull off will be provided at the project entrances as shown on the MCP to ensure the school bus can stop and be entirely outside of the N. River Road right-of-way.

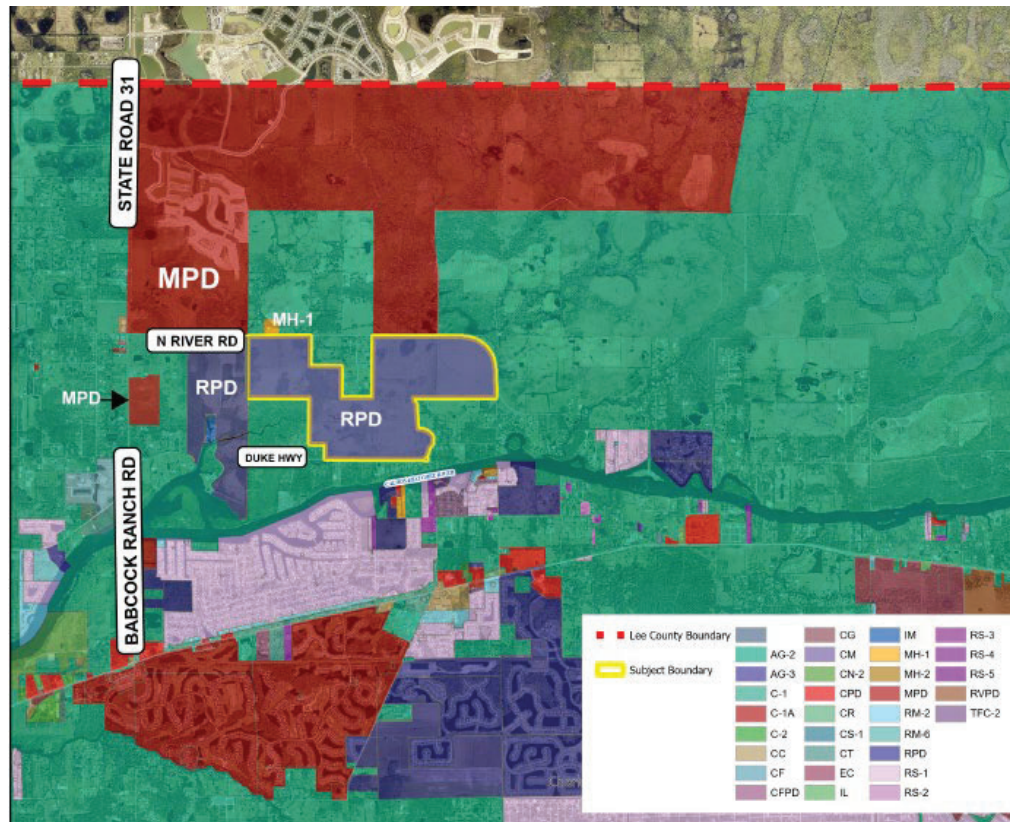
19. The developer and future property owners must ensure lighting from developed areas do not directly illuminate indigenous preserve and restoration areas by shielding fixtures as necessary and minimizing up lighting. The developer must include these lighting standards in the indigenous management plan, deed restrictions and on development order plans.

CARY+DUKE+POVIA RPD



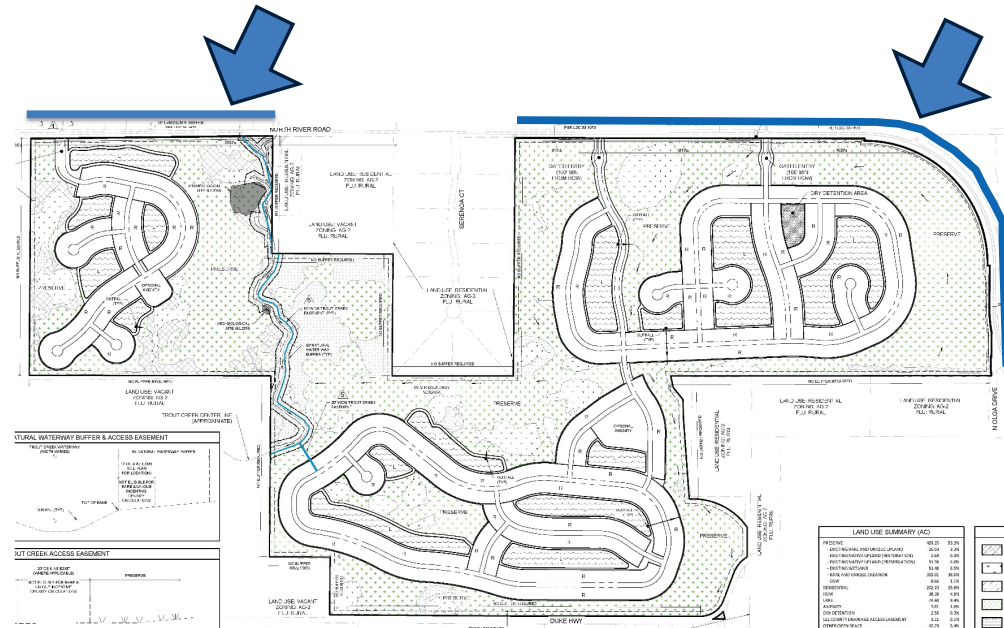
Zoning Considerations

PROPOSED ZONING



Deviation #2: Allows for buffer area plantings along N. River Rd. to be satisfied by restoration and preservation of Rare and Unique Uplands and wetland vegetation

- Plantings will be 15–feet on center and consist of tree, shrub, and groundcover species.
- Maintains natural conditions and rural character along the roadway.
- Staff recommendation of APPROVAL.



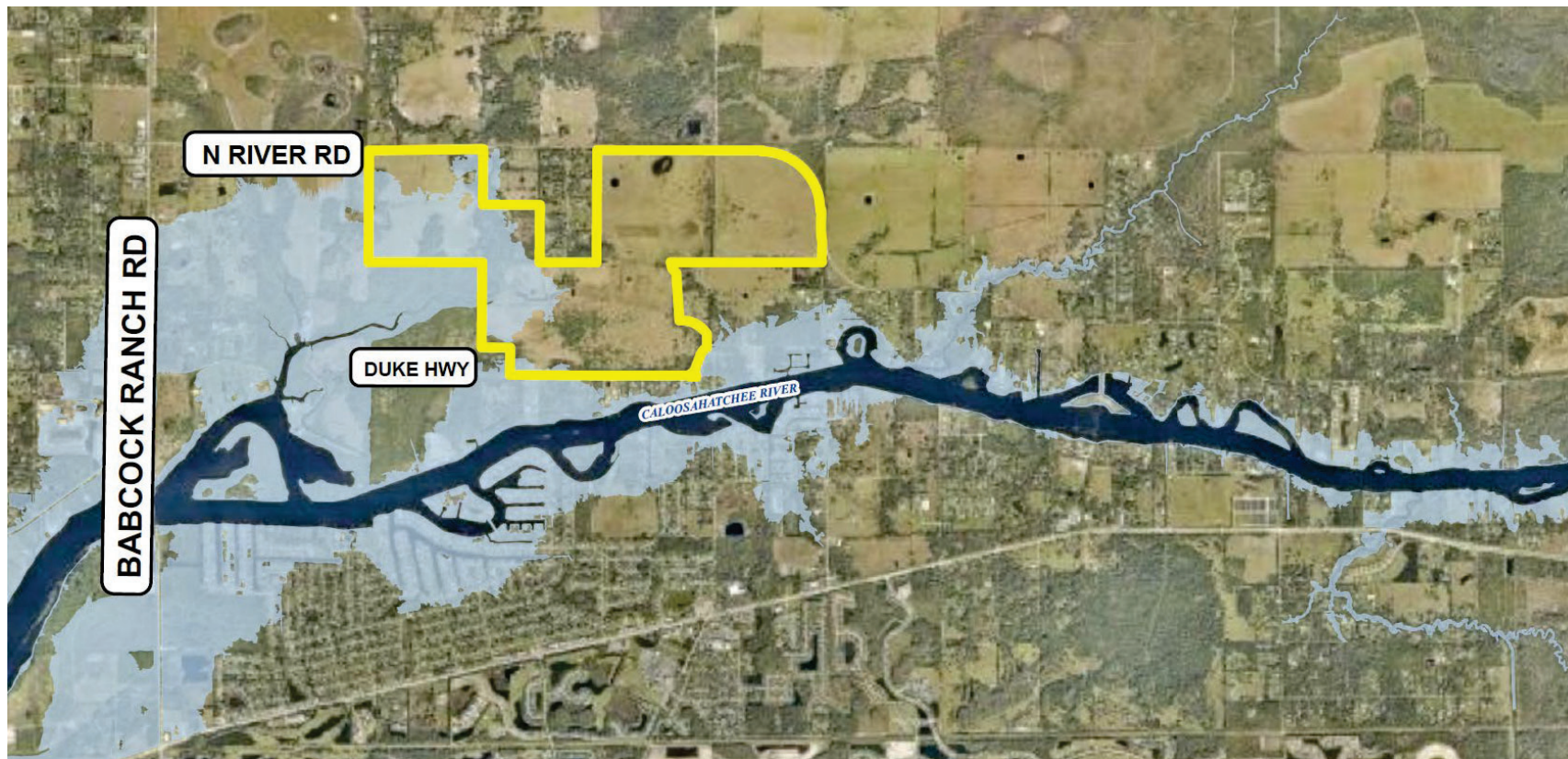
BUFFER DEVIATION – VARIANCE CRITERIA

- a. The property has inherent exceptional conditions, namely the existing native vegetation along the North River Road right-of-way that can provide a mature and natural buffer more consistent with the intent of the Lee Plan, LDC and North Olga Community Plan, when compared to a planted buffer.
- b. These exceptional conditions are not the result of actions of the property owner taken subsequent to the adoption of the ordinance.
- c. The variance requested is the minimum variance that will allow for the native vegetation to be maintained and serve as the required perimeter buffer.
- d. The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare and will uphold the community's desire to maintain a heavily vegetated and natural viewshed of the property from abutting roadways.
- e. The variance is consistent with the Lee Plan, and upholds the various Goals, Objectives and Policies that direct developments to preserve native vegetation and incorporate existing native vegetation into the project design.

Lee Plan Considerations Rural Future Land Use & Compatibility

Coastal High Hazard Area

COASTAL HIGH HAZARD AREA



POLICY 72.2.2: DEVELOPMENT REGULATIONS.

Assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times, **and require mitigation either through structural (on-site or off-site shelter) provisions or through nonstructural methods or techniques.** Pursuant to Policy 24.7.5, all new residential development and redevelopment within the Hurricane Vulnerability Zone in Greater Pine Island must mitigate hurricane sheltering and evacuation impacts in accordance with the LDC, Chapter 2, Article XI.

OBJECTIVE 73.1: EVACUATION.

Work towards attaining out of County hurricane evacuation for a Category 5 storm event (Level E storm surge threat) that does not exceed the timeframes referenced in the Statewide Regional Evacuation Study. **Lee County will work to improve clearance times by increasing shelter availability within the County, improving evacuation routes, and increasing public awareness and citizen preparedness.**

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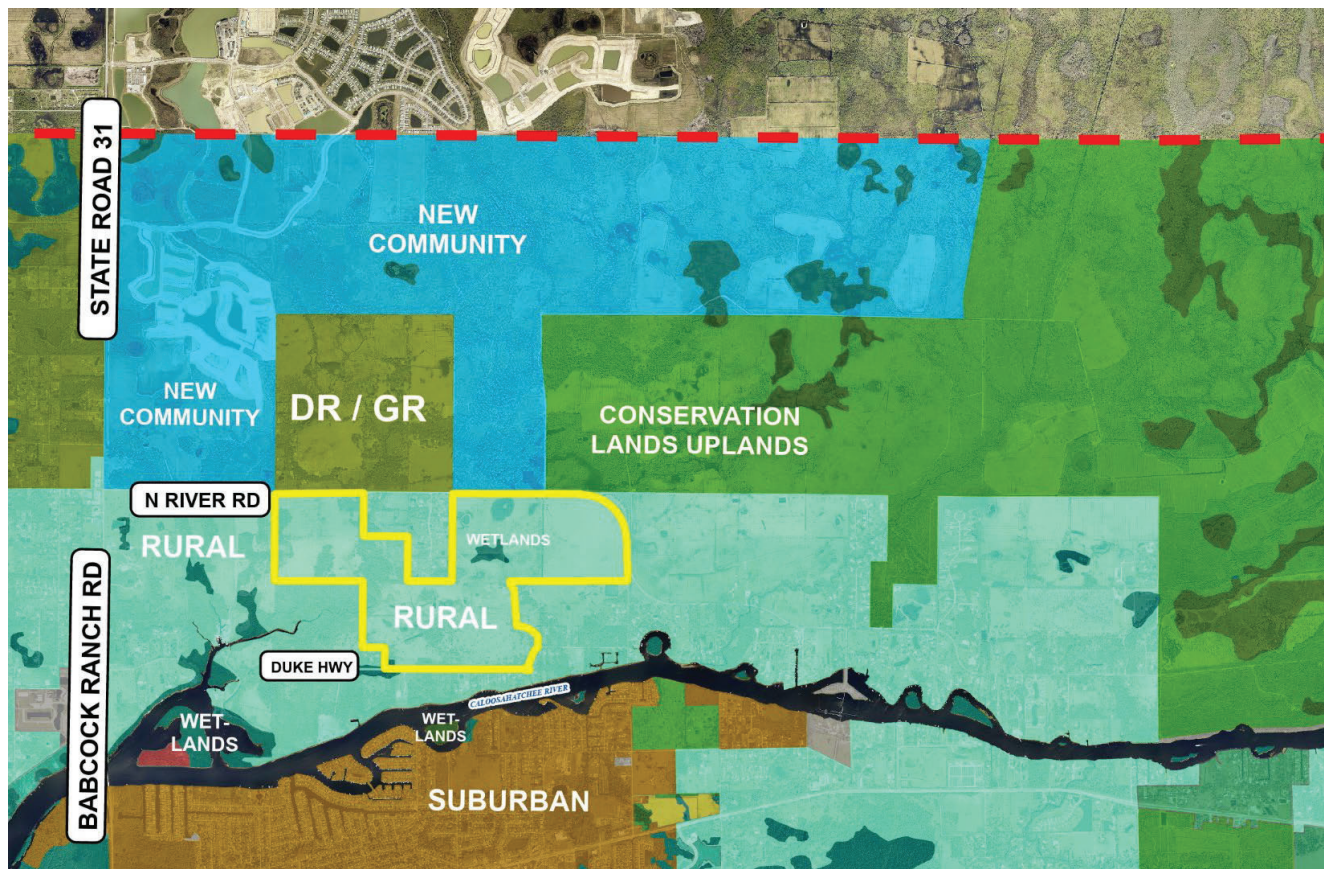
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Sprawl Discussion

“URBAN SPRAWL – The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into outlying non-urban areas.”

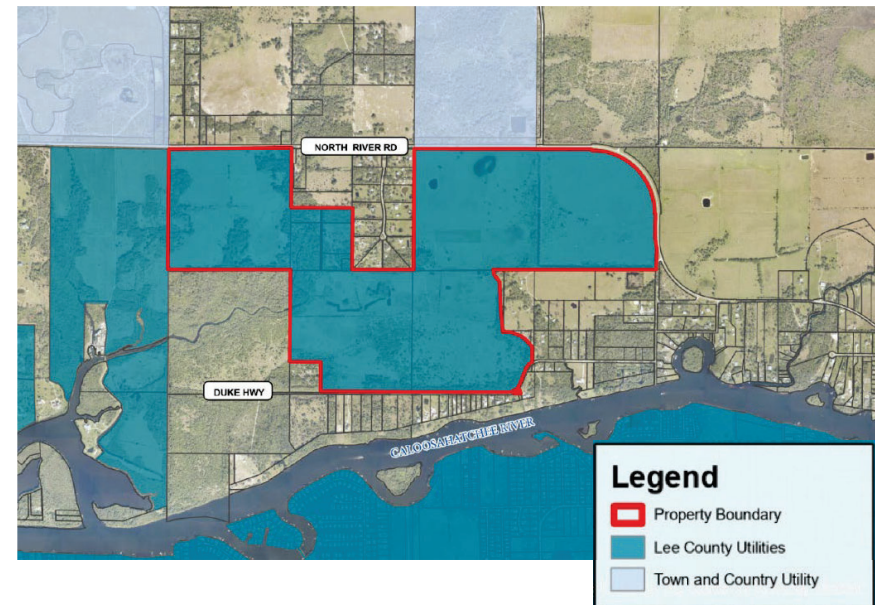
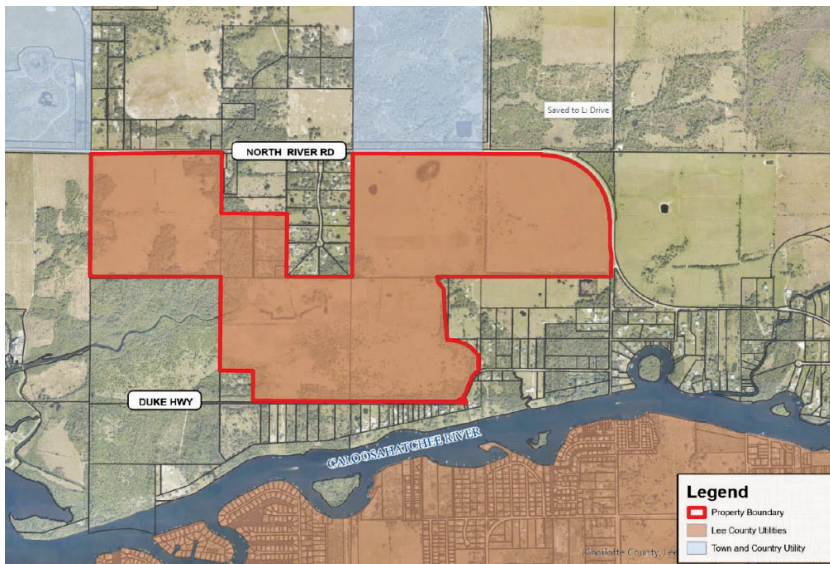
- Lee Plan Glossary

Rural Future Land Use Framework – Non Urban Area

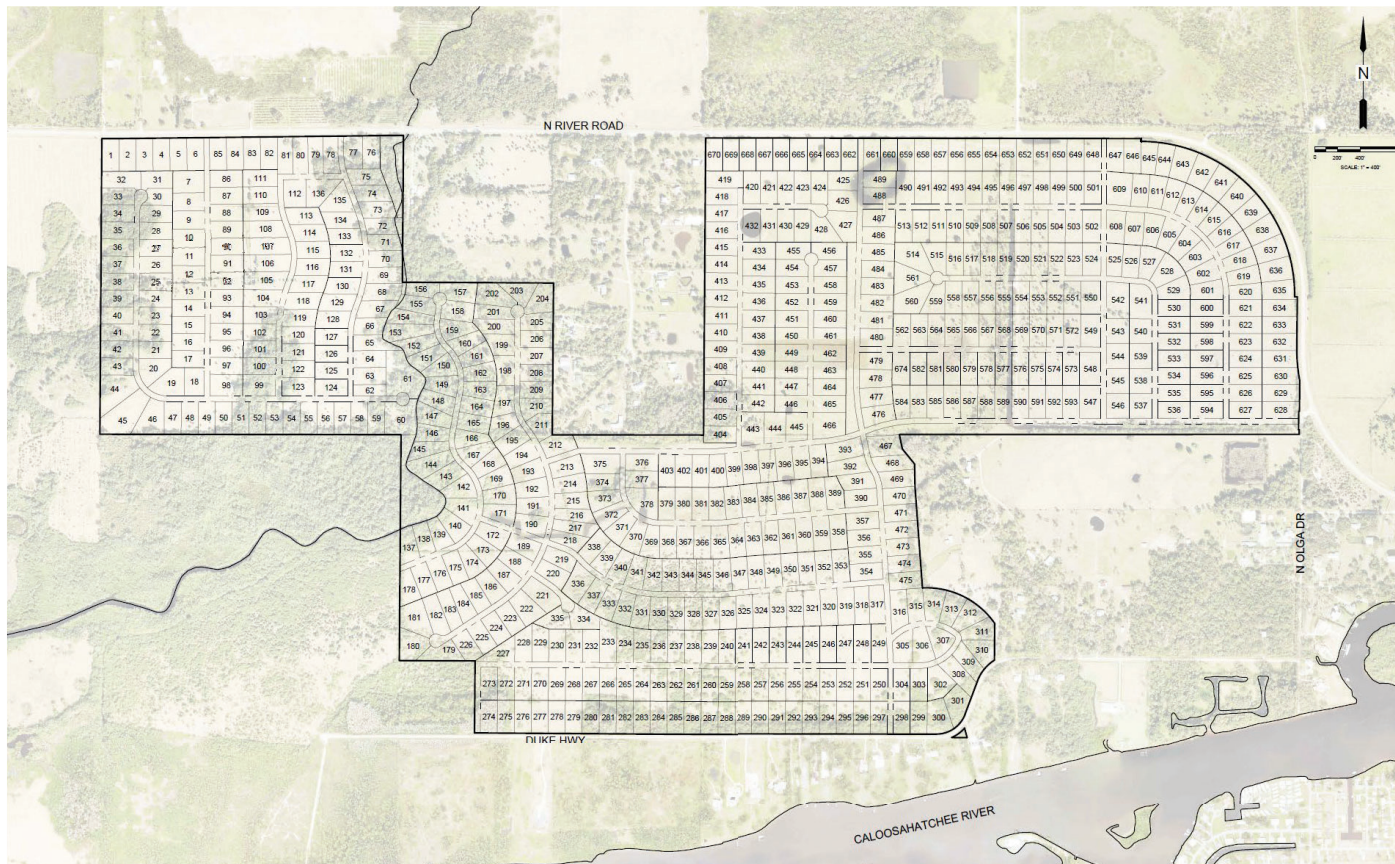


WATER AND SEWER SERVICE

- Water and sewer service capacity is available.
- LCU Letter of Available Capacity included in application.
- Expansion approved by BOCC per Ordinance 24-06 on March 20, 2024.



Potential Development Under Ag Zoning Standards



Rural Incentive Density (in Lee Plan Objective 123.2.17)

As an *incentive* to preserve, enhance, and restore indigenous Rare and Unique upland habitat, on land within the Rural future land use category, *one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitat* if approved and developed as a unified Planned Development that meets all the following criteria

Rural Incentive Density (in Lee Plan Objective 123.2.17)

1. Development must have direct access to arterial road.
2. Development must have direct access to an arterial road.
3. Development must provide connection to public water and sewer services.
4. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of created or restored wetlands, flowways/creeks, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.

Rural Incentive Density (in Lee Plan Objective 123.2.17)

5. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:

- a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
- b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
- c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site-specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
- d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the Planned Development must be recorded within 5 years from first development order approval.

Compatibility: Rural *INCENTIVE* Density

- 328.72 additional units available through Rare & Unique Upland Habitat Preservation, Restoration, and Creation.
- Maximum 1,099 units consistent with Rural FLU and Policy 123.2.17.
- Density of 1.39 DU/AC
CONSISTENT with Rural FLU & Lee Plan

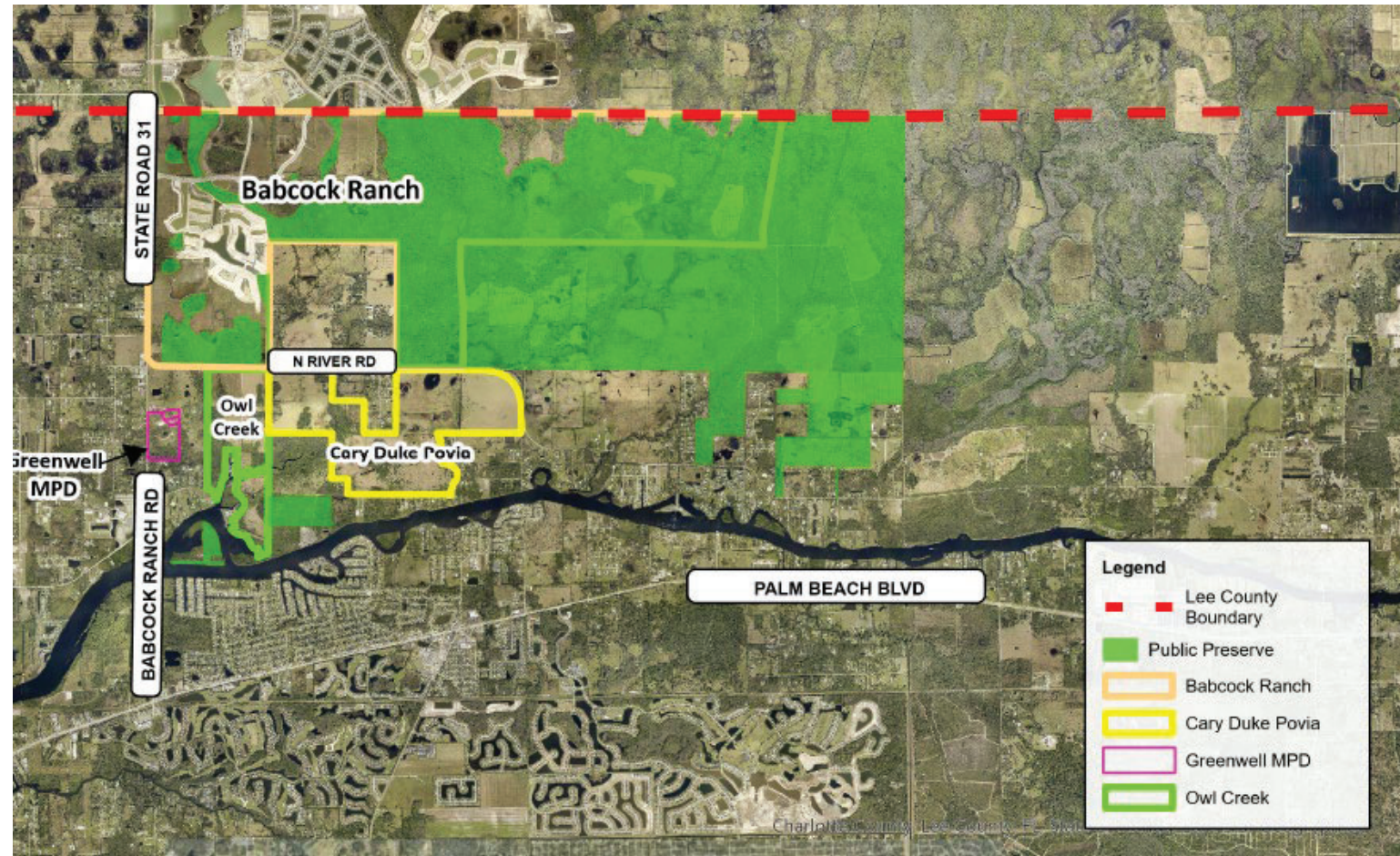
FLU Category	Acres	Allowable Density	Max Residential Units
Rural	718.67	1 DU/AC	718.67
Preserved Wetlands	51.46	1 DU/AC	51.46
Impacted Wetlands	18.85	1 DU/20 AC	0.94
Rare & Unique Restoration	(328.72)	1 DU/AC	328.72 DU
Total	788.98		1,099.8 DU

OBJECTIVE 27.1: AGRICULTURAL AND RURAL CHARACTER.

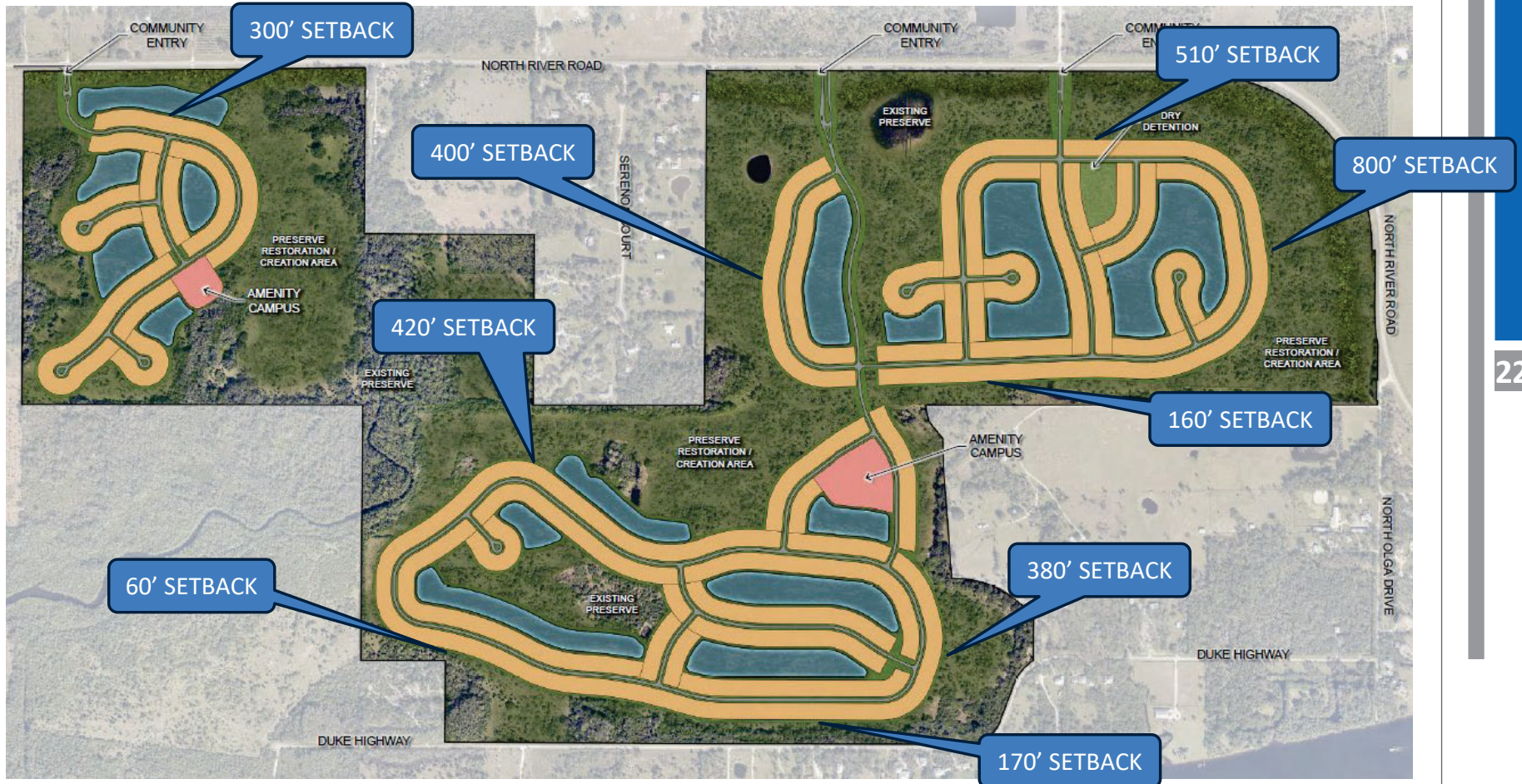
Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County.

For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands

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ENHANCED SETBACKS



POLICY 27.1.2: Northeast Lee County Agricultural and Rural Character

Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the LDC.

POLICY 29.1.1: North Olga Community Character: Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by *promoting compact or clustered development areas that maintain large, contiguous tracts of open space*, while supporting commercial agricultural businesses.

POLICY 29.1.3: Maintain *enhanced design, landscaping*, signage, and architectural standards to promote the rural character of the North Olga Community Plan area.

POLICY 29.1.4: Deviations or variances relating to landscaping, signage guidelines, or compliance with applicable architectural standards within the North Olga Community Plan area may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34.

OBJECTIVE 29.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community's rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands

POLICY 29.2.1: Proposed planned developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets, and diversity of choice within the community.

Policy 29.2.2: Proposed residential development adjacent to an existing large lot residential area or commercial agriculture business will provide appropriate separation, such as a minimum lot size of one unit per acre for lots abutting the perimeter of property line(s). For the purposes of this policy, large lot residential uses are defined as those residential uses with lot sizes equal to or greater than one acre.

CONCLUSION

- Maintains RURAL future land use
- Utilizes Incentive Density directly aligning with Northeast Lee & North Olga policies
- Location of expansive preserves, buffer enhancements and perimeter setbacks will provide compatibility with surrounding community
- Significant environmental and natural resource enhancements consistent with Lee Plan
- In agreement with Staff on all conditions
- Consistent with the Comprehensive Plan and LDC

THANK YOU

BACKUP SLIDES

COMPATABILITY

- ✓ Maintains RURAL future land use densities
- ✓ Perimeter setbacks range from 60' to 800+' in width
- ✓ Access limited to North River Road
- ✓ 35' maximum building height
- ✓ Clustered single-family detached and attached dwelling types in accordance with North Olga Plan policies
- ✓ 60% open space & 50% native preserve to maintain rural vistas on ALL property boundaries