

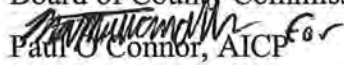


LEE COUNTY  
SOUTHWEST FLORIDA

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## Division Of Planning

### MEMORANDUM

**To:** Board of County Commissioners  
**From:**   
Paul O'Connor, AICP  
**Subject:** Lee Plan Amendment Transmittal/Adoption Hearing  
**Date:** February 23, 2004

Attached is the Agenda, Staff Reports, and Supporting Data for the Lee Plan Small Scale Amendment Adoption Hearing for plan amendment CPA 2003-05 LeeCorp Homes, Inc and for the Lee Plan DRI Amendment Transmittal Hearing for plan amendment CPA 2003-04 North Point Lake. The hearing will be held on March 9, 2004 starting at 9:35 A.M. or as soon thereafter as may be heard in the chambers upon adjournment of the regularly scheduled Board meeting.

The hearing involves two separate amendments, one for adoption and one for transmittal. The adoption hearing is for a small scale amendment which is being recommended for adoption into the Lee County Future Land Use Map. The transmittal hearing is for a DRI related amendment which is being recommended for transmittal to the Department of Community Affairs for their review and comment.

If you have any questions regarding any of these amendments, please feel free to call me at 479-8309.

cc: *Mary Gibbs, AICP, Director of Community Development*  
*Tim Jones, Assistant County Attorney*  
*Donna Marie Collins, Assistant County Attorney*  
*Lisa Pierce, Minutes*  
*Lee Cares*  
*Planning Files CPA 2003-04, CPA 2003-05*

**BOARD OF COUNTY COMMISSIONERS  
PLAN AMENDMENT HEARING  
MARCH 9, 2003  
COMMISSION CHAMBERS  
9:35 A.M.  
AGENDA**

1. **Call to order; Certification of Affidavit of Publication by County Attorney.**
2. **Public Comment on Adoption Item**
3. **Lee Plan Amendments Adoption Item**

**Small Scale Amendment**

**CPA2003-05 - LeeCorp Homes, Inc. - Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of a ±.59-acre parcel in Estero (former Estero Fire Station) from Public Facilities to Suburban. The subject parcel is located in Estero on the east side of U.S. Highway 41, approximately one-quarter mile south of Koreshan Boulevard.**

4. **Adopt the Following Ordinance Which Adopts CPA 2003-05:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2003-05 (PERTAINING TO THE RE-DESIGNATION OF A .59-ACRE ESTERO PARCEL FROM PUBLIC FACILITIES TO THE SUBURBAN FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

5. **Public Comment on Transmittal Item**
6. **Lee Plan Amendments Transmittal Item**

**DRI Related Amendment**

**CPA2003-04 - Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of approximately 102 acres of land from "Suburban" to "Urban Community." The subject parcel is located in Section 33, Township 46 South, Range 25 East (Estero) and is part of the proposed North Point Lake Development of Regional Impact.**

7. **Adjourn**

CPA2003-00005

Lee Corp Homes  
Small Scale  
Amendment

LEE COUNTY ORDINANCE NO. 04-\_\_\_\_\_  
(Small Scale Amendment ±.59-Acre Estero Parcel from  
Public Facilities to Suburban)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2003-05 (PERTAINING TO THE RE-DESIGNATION OF A ±.59-ACRE ESTERO PARCEL FROM PUBLIC FACILITIES TO THE SUBURBAN FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; 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 private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and,

WHEREAS, the Local Planning Agency recommended adoption of the proposed amendment at their meeting on January 26, 2004; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on March 9, 2004. At that hearing, the Board approved a motion to adopt proposed amendment CPA2003-05 pertaining to the re-designation of a ±.59-acre parcel from Public Facilities to Suburban on the Future Land Use Map Series, Map 1. The subject parcel is located in Section 28, Township 46 South, Range 25 East, at 20241 South Tamiami Trail, Estero, Florida, on the east side of U.S. Highway 41, approximately one-



quarter mile south of Koreshan Boulevard.

**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 a public hearing to review a proposed amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later 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 continued to be the "Lee Plan." This amending ordinance may be referred to as the "2004 Small Scale Amendment Cycle CPA 2003-05, re-designation of ±.59-acre former Estero Fire District Station Parcel Ordinance."

**SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAPS SERIES, MAP 1**

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 to the Future Land Use Map Series, Map 1, by changing the designation of a ±.059-acre parcel from the Public Facilities to the Suburban Future Land Use category. The subject parcel was the former site of the Estero Fire District Station located on the east side of U.S. Highway 41, approximately one-quarter mile south of Koreshan Boulevard. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

**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 of County Commissioners 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 small scale Lee Plan amendment adopted by this ordinance will be effective 31

days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Community Affairs or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

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

Robert P. Janes  
Douglas St. Cerny  
Ray Judah  
Andrew Coy  
John Albion

DONE AND ADOPTED this 9<sup>TH</sup> of March 2004.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

DATE: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office

**CPA 2003-05  
LEECORP HOMES SMALL SCALE  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document  
for the  
March 9<sup>th</sup> Public Hearing**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**February 16, 2004**



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2003-05**

	<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>

STAFF REPORT PREPARATION DATE: December 15, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

1. **APPLICANT:** LeeCorp Homes, Inc.
2. **REQUEST:** Amend the Future Land Use Map (FLUM) series for a specified ±0.59 acre parcel of land located in Section 28, Township 46 South, Range 25 East to change the classification shown on Map 1, The Future Land Use Map, from "Public Facilities" to "Suburban."
3. **SUMMARY DISCUSSION**  
The property was designated with the Future Land Use Category "Public Facilities" by Comprehensive Plan Amendment PAM 96-14. In that amendment properties owned by public agencies, which were currently used (or intended for future use) by a public agency, were designated as Public Facilities.

The applicant purchased the subject property from the Estero Fire Department in August of 2002 and now desires to change the Future Land Use to one that is consistent with private sector ownership. The property was previously used by the Fire Department as a fire station with office and storage space. The applicant's eventual intended use of the subject property is for commercial office or retail uses. Property directly to the southeast, also owned by the applicant, is currently developed with retail sales of manufactured housing and accessory office space.

## **B. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** ±0.59 acres

**PROPERTY LOCATION:** The street address of the subject property is 20241 S. Tamiami Trail, Estero, FL 33928. The property is located on the east side of U.S. Highway 41, approximately 1/4 mile south of Koreshan Blvd.

**EXISTING USE OF LAND:** The property was previously used as the Estero Fire District Station, including office and storage space.

**CURRENT ZONING:** Agriculture (AG-2)

**CURRENT FUTURE LAND USE CLASSIFICATION:** Public Facilities

### **2. INFRASTRUCTURE AND SERVICES**

**WATER & SEWER:** The property is located within the Lee County Utilities franchise area.

**FIRE:** The property is located within the Estero Fire Rescue District.

**TRANSPORTATION:**

Access to the site will be from an existing driveway on US Highway 41. The parcel is within the Estero planning community, located on a stretch of US 41 slated to be widened to six lanes under the 2010 Financially Feasible Plan.

**SOLID WASTE FRANCHISE:**

Florida Recycling, Inc.

## **C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

### **1. RECOMMENDATION:**

Staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the ±0.59 acre subject parcel from "Public Facilities" to "Suburban."

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

- The Future Land Use designation "Public Facilities" is intended to provide flexibility in development for lands owned by the public and used in service to the public. This Future Land Use designation depends primarily on the government entity to define the appropriate uses and is not helpful to direct growth of property which is privately owned and utilized for private gain.
- The applicant purchased the subject property from the Fire Department in August of 2002 with the intent to develop the subject property for commercial retail or office space.

- The proposed action will result in a potential population capacity increase of the FLUM by 6 people (calculation based on 0.59 acres at 6du/acre which yields a maximum potential of 3du, each anticipated to house an average of 2.09 people). It is staff's position that this increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity.
- The subject property is located along a major tourist and workforce transportation corridor. Due to the small size of the property and its geographic location on an arterial road, it is highly unlikely that the property will ever be developed with residential units.
- The proposed action will have minimal impact on public safety service providers. The applicant has submitted letters from these providers indicating that adequate services are available to support the potential uses related to the plan amendment.
- Existing utilities and infrastructure are in place or available to support the proposed commercial development, and potential residential development, of the subject parcel. The proposed action will not require changes to future road network plans.
- The property is currently zoned for Agriculture (AG-2) and will need to be rezoned to Commercial Planned Development, per Policy 19.2.1, prior to being developed with any commercial uses. Impacts to the provision of public services and facilities will be evaluated at that time, based on the specific uses and intensities requested by the zoning application. Potential traffic impacts will also be evaluated at the time of rezoning.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant has requested a Future Land Use designation change from "Public Facilities" to "Suburban" on approximately 0.59 acres of land located in the Estero Planning Community on the east side of Highway 41, south of Koreshan Boulevard and directly west of Cypress Bend RV Resort. The property was previously used by Estero Fire Rescue, but has now been placed into private ownership.

The Suburban category standard density range permits up to six dwelling units per acre (6du/acre). In the unlikely event that the property were to develop with residential uses, the proposed Suburban designation would allow up to 3 dwelling units (0.59 acres X 6du/acre). Estimated potential commercial intensity for the subject property would be 6,000 square feet, depending on site design.

The original Comprehensive Plan Amendment Application and Applicant Supplementary Information packets are attached hereto as Attachment A and Attachment B.

#### **PROJECT SUMMARY**

The subject property was previously owned by the Estero Fire Department and used as a fire station with office and storage space. The applicant purchased the subject property from the Fire Department in August of 2002 with the intention of changing the Future Land Use designation from Public

Facilities to one that is consistent with private sector ownership as well as the anticipated future development of the surrounding area. The applicant plans to use the subject property for retail or commercial office space. In order to permit those desired uses, should the plan amendment be approved, the applicant will need to rezone the subject property to Commercial Planned Development (per Lee Plan Policy 19.2.1).

### **COMPREHENSIVE PLAN BACKGROUND**

Comprehensive Plan Amendment #PAM 96-14 designated a number of properties countywide that were owned and operated by public agencies (or were intended for future use by a public agency) as Public Facilities. The amendment changed the Future Land Use designation of the subject property from Suburban to Public Facilities in June of 1998.

The subject property's Future Land Use designation was previously changed to Suburban from Urban Community as part of the map amendments proposed by the Estero/Corkscrew Area Study and adopted by Ordinance 88-04 in February of 1988.

### **ADJACENT ZONING AND USES**

The subject property is bordered on the south by US Highway 41. Beyond the highway is land with Commercial (C-1) zoning and a Future Land Use Designation of Suburban. Those properties are developed with boat sales, auto repair, gas station/mini-mart, other retail, and vacant land.

To the southeast is property zoned Commercial (C-2), with a Future Land Use Designation of Suburban, owned by the subject property owners. That property is currently developed with retail sales of manufactured housing and accessory office space.

To the east of the subject property is Recreational Vehicle (RV-3) zoned Cypress Bend RV Resort which is included within the Urban Community Future Land Use district.

Property to the north and northwest is vacant, designated for Suburban Future Land Use and zoned for Agriculture (AG-2).

### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

Given the potential increase in residential units associated with the proposed Future Land Use designation change from Public Facilities to Suburban, the proposed action will result in a population capacity increase of the FLUM by 6 people (3 du X 2.09 people per unit).

The proposed increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity. Due to the location of the property and existing surrounding uses, it seems unlikely that the property owner will develop the parcel with residential uses.

### **CONSISTENCY WITH THE "SUBURBAN" LAND USE CATEGORY**

The Suburban Future Land Use Category is described by Policy 1.1.5 which is reproduced below:

***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. (Amended by Ordinance No. 94-30)*

The uses contemplated for the subject property, retail and office, are consistent with the Suburban designation. The property meets site location standards for development of a Minor Commercial Center. The size of the subject property will not allow a site plan for commercial development to a scale that exceeds the neighborhood commercial standard. No industrial uses are proposed. Any desired use not allowed by right in the Agriculture (AG-2) zoning district will require the property to be rezoned. Commercial use of the property will require rezoning to a Commercial Planned Development.

The site is surrounded on three sides by Suburban designated properties. To the east is land designated Urban Community. Due to the layout of the property (a pie shaped wedge out of the Suburban category) and the orientation of its access, Suburban is the most appropriate of the two potential Future Land Use designations.

#### **MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)**

The Residential/Suburban allocation for the Estero Community is 1,572.00 acres, with 1,219.16 acres developed and 352.84 acres available for development prior to year 2020. The Commercial/Suburban allocation for Estero is 1,399.00, with 249.62 acres already developed and 1,149.38 acres remaining for commercial development prior to year 2020.

#### **TRANSPORTATION ISSUES**

The subject property is located adjacent to U.S. Highway 41, a state maintained facility. Any proposed change to the current access drive location for the subject property, such as a shared access point with the parcel to the southeast, will have to be reviewed by the Florida Department of Transportation.

Lee County Department of Transportation staff reviewed the application for potential impacts to the state road and surrounding road network and responded that, "After running the FSUTMS travel demand model for the year 2020 condition, we have determined that the land use change on this property will not alter the future road network plans." (Attachment C)

#### **PUBLIC SAFETY ISSUES**

##### Coastal Issues

The parcel is not within either the Coastal High Hazard Area or the Coastal Planning Area of Lee County. The property is located within the Category 3 storm surge area, with Category 1 being the most likely to experience a serious storm surge, as shown in the Hurricane Storm Tide Atlas for Lee County (SWFRPC 1991). According to the Federal Emergency Management Agency (FEMA) map records, the subject parcel is within Flood Zone B - a zone describing areas that have less than a one percent annual chance of flooding. There are no other coastal issues associated with the subject property.

##### Fire Services

Estero Fire Rescue is currently able to adequately serve the intended development of the subject property for business offices. (Attachment A)

The Fire Department supports the proposed plan amendment and further recommends that the best use for the subject property would be to combine it with the parcel adjacent to the southeast (also owned by Phillip and Janice Lee, Officers of LeeCorp Homes). (Attachment C)

### EMS

Emergency Medical Services staff reviewed the application and concluded that, "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" (Attachment A).

### Sheriff Services

The Sheriff's department provided a letter of review to the applicant, dated August 20, 2003, which stated no objections or concerns regarding the proposed Future Land Use change. According to the Sheriff's office, "The proposed project 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 throughout Lee County. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out" (Attachment A).

### Emergency Management

County Emergency Management staff has concluded that, "There are no Public Safety/ Emergency Management issues involved in changing Phillip Lee Property in Estero from 'Public Facilities' to 'Suburban'" (Attachment C).

## **SCHOOL IMPACTS**

The Lee County School District responded to the proposed land use change with the following comments:

*"In our opinion, this amendment will not increase the overall development density and will not impact the level of services the District provides to the area. The proposed change could add up to one student to the District. As such, the proposed plan amendment would not impact the Lee County School District"* (Attachment B).

## **SOILS**

According to the U.S. Department of Agriculture Soil Survey of Lee County Florida, the soil on the subject property is Immokalee Sand. An "Existing Soils Map" and a description of Immokalee Sand are included as attachments (Attachment C).

## **HISTORICAL AND ARCHAEOLOGICAL IMPACTS**

The Florida Department of State, Division of Historical Resources, has reviewed the proposed plan amendment and provides the following response:

*"A review of the Florida Master Site File indicates that no significant archaeological or historical sites are recorded for or considered likely to be present within the project area. Furthermore, because of the project location and/or nature, it is considered unlikely that historic properties will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on historic properties listed, or eligible for listing in the National Register of Historic Places, or otherwise of historical or archaeological value"* (Attachment B).

## **ENDANGERED SPECIES**

Environmental Sciences staff reviewed the proposed amendment and responded with the following:

*"The property has been previously cleared therefore there are no environmental issues to be addressed through the Lee Plan amendment process. Any listed species and landscaping issues would be addressed through the zoning or development order process" (Attachment C).*

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

With regard to parks, recreation and open space, the applicant has provided the following information:

*"The Estero Community, and the area surrounding this site, has excellent access to existing parks and recreational facilities. Approximately 1.5 miles to the south is Estero Community Park, which is scheduled to have Phase I - Development completed within the next 14 months. In addition to the Estero Community Park, there are public recreational facilities at Estero High School, directly adjacent to the park, and the Three Oaks Park, located approximately 2.5 miles to the northeast of the subject property."*

County Parks and Recreation staff reviewed the proposed plan amendment and concluded that, "Since the subject property is no longer owned by a public entity, it is appropriate to remove it from the Public Facilities classification. Further, 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" (Attachment A).

## **DRAINAGE/SURFACE WATER MANAGEMENT**

With regard to surface water and drainage basins, the applicant has provided the following:

*"The subject property is located in the Estero River Watershed as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management...The 2002/2003 Concurrency Management report states on page 6 that 'All new developments that receive approval from South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in the Lee Plan."*

## **MASS TRANSIT**

In a letter to the applicant dated August 22, 2003, Lee County Transit Division stated that LeeTran "does not currently service this location with any type of fixed bus route service and we do not require any additional amenities for transit as a result of your proposed land use change request at this time" (Attachment A).

## **SOLID WASTE**

The Solid Waste Division of Lee County confirmed in a letter to the applicant, dated October 31, 2003, that the Division "is capable of providing solid waste collection service for the commercial property located on US 41 (STRAP# 28-46-25-00-00001.0050) through our franchised hauling contractors. Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities." (Attachment A).



## **UTILITIES**

As provided by the applicant regarding potable water service:

*“Lee County Utilities maintains service for this area through the Green Meadows Water Treatment Plant and Corkscrew Water Treatment Plant. The two systems are interconnected. A 12-inch water main runs along the east side of the U.S. 41 right-of-way in front of the subject property.*

*Policy 33.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standard for potable water connections to Lee County Utilities [will] be an available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month...”*

*According to Lee County Utilities Staff, the Green Meadows Water Treatment Plant has design capacity of 10.5 million gallons per day, and the Corkscrew Water Treatment Plant has design capacity of 10.0 million gallons per day. In Spring 2004, the interconnected system is projected to operate at 15 million gallons per day.*

*The Proposed Amendment will have negligible impacts on the potable water facilities.”*

As provided by the applicant regarding sanitary sewer service:

*“Lee County Utilities maintains service for this area through the Three Oaks Wastewater Treatment Plant. A 12-inch force main runs along the east side of the U.S. 41 right-of-way to Koreshan Boulevard. There is also a 12-inch force main on the north side of the Koreshan Boulevard right-of-way.*

*Policy 36.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standard for sanitary sewer connections to Lee County Utilities [will] be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month...”*

*According to Lee County Utilities Staff, Three Oaks Wastewater Treatment Plant has a design capacity of 1.5 million gallons per day and the system capacity is currently met.*

*The Capital Improvements Program (CIP) indicates that the Three Oaks Wastewater Treatment Plant will be expanded to 3.0 million gallons per day by September 2003 and 5.0 million gallons per day within two years.*

*The proposed amendment will have negligible impacts on the sanitary sewer facilities.”*

## **B. CONCLUSIONS**

The applicant’s request to change the Future Land Use designation of the subject property from Public Facilities to Suburban is consistent with both the existing and planned future land uses of the surrounding community. The property meets site location standards for development of a Minor Commercial Center. Any commercial development of the site, located within the Estero Planning Community, will require that the property be rezoned to a planned development.

The property currently has, or has reasonable access to, all necessary infrastructure for commercial or residential development.



The proposed plan amendment returns a property, historically designated as "Suburban," to the Suburban Future Land Use category after being classified as "Public Facilities" for approximately six years while the location was used as a local fire department. Now that the subject property is owned by a private entity, the Public Facilities designation is obsolete.

**C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, The Future Land Use Map, be amended to change the land use designation of the ±0.59 acre subject parcel from "Public Facilities" to "Suburban."

## **List of Attachments**

- A. Application Packet
- B. Supplemental Application Packets
- C. Staff and Agency Review Packet

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

DATE OF PUBLIC HEARING: January 26, 2004

**A. LOCAL PLANNING AGENCY REVIEW**

One LPA member asked whether or not planning staff is still looking into the creation of a commercial only Future Land Use Category. The director of planning stated that staff is looking into the commercial only category during the Evaluation and Appraisal Report process.

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

1. **RECOMMENDATION:** The LPA recommends that the BoCC adopt CPA2003-05 Small Scale Plan Amendment.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
DEREK BURR	<u>AYE</u>
DAN DELISI	<u>ABSENT</u>
ROBERT PRITT	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>
POSITION VACANT	<u>VACANT</u>

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

DATE OF ADOPTION HEARING: March 9, 2004

**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**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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**STAFF REPORT  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** January 16, 2004

**To:** Nichole Dishman, Planner  
**From:** Kim Trebatoski; Principal Environmental Planner  
**Phone:** (239) 479-8183  
**E-mail:** trebatkm@leegov.com



**Project:** LeeCorps Homes Small Scale Lee Plan Amendment  
**Case:** CPA2003-00005  
**STRAP:** 28-46-25-00-00001.0050

The Division of Environmental Sciences (ES) staff have reviewed the proposed small scale amendment for the 0.59 acre property located south of Koreshan Boulevard on U.S. 41. The property has been previously cleared therefore there are no environmental issues to be addressed through the Lee Plan amendment process. Any listed species and landscaping issues would be addressed through the zoning or development order process.

**Nichole Dishman - RE: Agency Review of Small Scale Plan Amendment #CPA2003-00005**

---

**From:** "Merrifield, Dennis" <firechief@esterofire.org>  
**To:** "Nichole Dishman" <NDISHMAN@leegov.com>  
**Date:** 10/4/2003 4:17 PM  
**Subject:** RE: Agency Review of Small Scale Plan Amendment #CPA2003-  
**CC:** "Cato, Michael" <Cato@esterofire.org>

---

Nichole,

Estero Fire Rescue supports the proposed plan amendment. Having first hand knowledge of this property, it would appear that the best use of this property would be to combine this parcel with the parcel immediately south and adjacent.

Dennis J. Merrifield  
Fire Chief  
Estero Fire Rescue

-----Original Message-----

**From:** Nichole Dishman [<mailto:NDISHMAN@leegov.com>]  
**Sent:** Thursday, October 02, 2003 9:02 AM  
**To:** Nichole Dishman  
**Subject:** Agency Review of Small Scale Plan Amendment #CPA2003-00005

Please see attached documents.

To: M. Noble



DEPARTMENT OF  
TRANSPORTATION

Memorandum

To: Paul O'Connor, Division of Planning  
From: Lili Wu<sup>wu</sup>  
Date: October 8, 2003  
Subject: CPA 2003-05 Privately Initiated Lee Plan  
Small Scale Future Land Use Map Amendment

LEE COUNTY  
RECEIVED  
03 OCT 10 AM 8:59  
COMM. DEV./  
PUB. WRKS. CNTR.  
SECOND FLOOR

---

We have reviewed the above application which requests that the land use designation of approximately 0.59 acres be changed from the existing "Public Facilities" to "Suburban". As indicated by your letter of October 2, 2003, the proposed "Suburban" designation would allow approximately 3 dwellings or 6,000 square feet retail uses on the property. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that the land use change on this property will not alter the future road network plans.

Please let me know if you have any questions.

LW/mlb

cc: Dave Loveland  
Andy Getch

**Nichole Dishman - Re: Agency Review of Small Scale Plan Amendment #CPA2003-00005**

---

**From:** Chris Hansen  
**To:** Dishman, Nichole  
**Date:** 10/2/2003 11:20 AM  
**Subject:** Re: Agency Review of Small Scale Plan Amendment #CPA2003-

---

Nichole:

I already reviewed this one. Please see my letter on page 37 of the first attachment.  
Sincerely

Chief Chris Hansen, EMS Manager  
Lee County Division of Public Safety  
PO Box 398 Fort Myers, FL 33902  
239.335.1604, Fax: 239.335.1675  
[www.lee-ems.com](http://www.lee-ems.com)  
[chrish@leegov.com](mailto:chrish@leegov.com)

This e-mail message and attachments hereto are intended only for use by the addressee(s) named herein and may contain confidential information including Protected Health Information. If you are not the intended recipient of this e-mail message, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you receive this e-mail in error, you must immediately notify this office at (239) 335-1604 and permanently delete the original message, attachments and any copies thereof and destroy any printouts of this e-mail message and its attachments.,

>>> Nichole Dishman 10/02/03 09:02AM >>>  
Please see attached documents.

# Interoffice Memo

**Date:** 10/02/2003

**To:** Nichole Dishman, Division of Planning

**From:** Terry M. Kelley, Emergency Management Coordinator

**RE:** CPA 2003-00005 – Lee Corp. Homes, Inc. – Small Scale Comp Plan Amendment

---

Staff has reviewed the submittal documents dated September 4, 2003, for the above-referenced development and have concluded there are no Public Safety/Emergency Management issues involved in changing Phillip Lee Property in Estero from "Public Facilities" to "Suburban". Therefore, we won't be issuing any comments or recommendations regarding this project.

T.K.



**MEMORANDUM**  
FROM THE  
**DEPARTMENT OF**  
**PUBLIC WORKS**

LEE COUNTY  
RECEIVED

03 OCT 24 AM 11:35

COMM. DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

DATE: October 23, 2003

To: Nichole Dishman  
Planner

FROM: Michael P. Pavese *MPP*  
Principal Planner

RE: **Lee County Comprehensive Plan Amendment # CPA 2003-00005**  
**LeeCorp Homes, Inc.**  
**Strap # 28-46-25-00-00001.0050**

Staff has reviewed your request for comments regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.

Based on the information provided in the application for this request, the subject parcel (approximately .59 ± acres) is currently zoned Agricultural (AG-2) with a Special Exception for a Fire and Rescue station and is located in the Public Facilities future land use category. This is a request to change the future land use designation from Public Facilities to Suburban. The parcel is the site of a former Estero Fire and Rescue District office. The applicant has indicated that the amendment is being requested to permit the current owner to redevelop the property with office uses. Since the subject property is no longer owned by a public entity, it is appropriate to remove it from the Public Facilities classification. Further, 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.

Should you have any questions or require any additional information, please do not hesitate to contact me directly at 479-8762.

cc: John Yarbrough, Director, Lee County Parks and Recreation  
Jim Lavender, Director, Department of Public Works

**Nichole Dishman - RE: Agency Review of Small Scale Plan Amendment #CPA2003-00005**

---

**From:** "William B. Horner" <wbhorner@swfia.com>  
**To:** "Nichole Dishman" <NDISHMAN@leegov.com>  
**Date:** 10/6/2003 4:58 PM  
**Subject:** RE: Agency Review of Small Scale Plan Amendment #CPA2003-

---

Nichole,  
There do not appear to be any aviation-related issues connected with this proposed small scale Lee Plan Amendment in Estero.  
Bill

William B. Horner, AICP  
Principal Planner  
Lee County Port Authority  
16000 Chamberlin Parkway, Suite 8671  
Fort Myers, FL 33913-8899  
Telephone: (239) 768-4377/Fax: (239) 768-4912  
E-mail: wbhorner@swfia.com

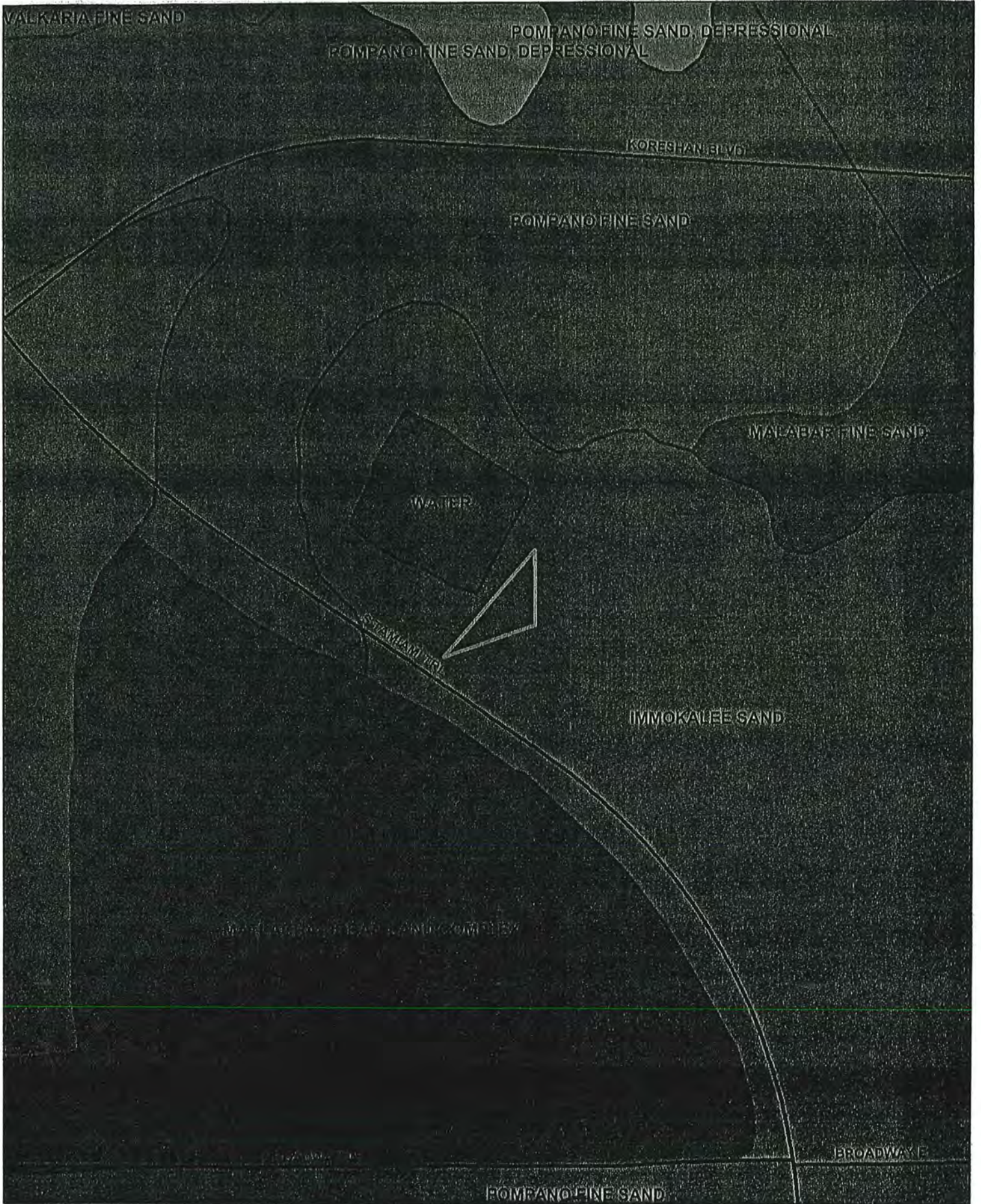
-----Original Message-----

**From:** Nichole Dishman [<mailto:NDISHMAN@leegov.com>]  
**Sent:** Thursday, October 02, 2003 10:28 AM  
**To:** Nichole Dishman  
**Subject:** Agency Review of Small Scale Plan Amendment #CPA2003-00005

Please see attached documents.



Soils CPA2003-00005





**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.

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 pale brown sand to a depth of 80 inches or more.

Included with this soil in mapping are Eau Gallie, Myakka, Oldsmar, Smyrna, and Wabasso soils. Also included are small areas of soils with a subsoil that is low in organic matter content and less than 12 inches thick. Included soils make up less than 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil-improving measures, this soil can be made suitable for some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet.

This soil is well suited to pastures. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy

rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of the high water table.

This Immokalee soil is in capability subclass IVw.

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LEECORP HOMES, INC.  
PHILLIP LEE  
SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2003-00005

INCLUDES ORIGINAL SUBMITTAL  
AND SUFFICIENCY RESPONSE

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LEECORP HOMES, INC.  
PHILLIP LEE  
SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT

SEPTEMBER 4, 2003

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PHILLIP LEE

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APPLICATION FORM

LETTERS OF AUTHORIZATION

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NARRATIVE

EXISTING & FUTURE CONDITIONS ANALYSES (ITEMS IV. B. 2. A-D)

FUTURE LAND USE MAP (MAPS 2A AND 2B)

EXISTING LAND USE & DESCRIPTION OF CURRENT USES/ZONING/AERIAL  
(MAP 3, 4 & 7)

BOUNDARY SURVEY INCLUDING LEGAL DESCRIPTION

DEED COPY

AGENCY LETTERS

ARCHEOLOGICAL SENSITIVITY MAP (MAP D)

PAM/T 96-14

September 4, 2003

Mr. Paul O'Connor  
Director of Planning Services  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

Re: LeeCorp Homes, Inc.  
Small Scale Comp Plan Amendment

Dear Mr. O'Connor:

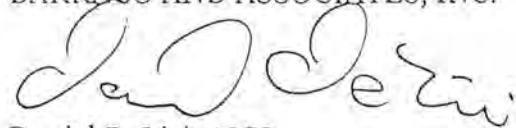
Attached you will please find a small scale comprehensive plan amendment for the Phillip Lee property in Estero, Florida. The subject property is located at the northeast quadrant of U.S. 41 and Cypress Bend Drive, between Koreshan Boulevard and Broadway.

The property was formerly owned by the Estero Fire Department and used for office space storage. It is in the Public Facilities Future Land Use Category, and is currently vacant, awaiting approval of this Comprehensive Plan Amendment to allow for use by a private entity. The proposed change to the Future Land Use Map will only reflect the new ownership of the subject property and will not have any impact on the maximum intensity of development from a traffic or environmental perspective. Therefore, sections B.1. and C. are not applicable. As demonstrated in the enclosed narrative, the proposed change will not alter potential intensity of development on the subject property; nor will it create potential impacts to natural resources.

Should you have any questions, please do not hesitate to contact me.

Best regards,

BARRACO AND ASSOCIATES, INC.



Daniel DeLisi, AICP  
Vice President of Planning

DD/cmh

21833  
Enclosure



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_ REC'D BY: \_\_\_\_\_
APPLICATION FEE \_\_\_\_\_ TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning [ ] Commissioner District [ ]
Designation on FLUM [ ]

(To be completed by Planning Staff)

Plan Amendment Cycle: [ ] Normal [X] Small Scale [ ] DRI [ ] Emergency

Request No: \_\_\_\_\_

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

9/4/03

[Handwritten Signature]

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

LeeCorp Homes, Inc.  
APPLICANT  
20251 South Tamiami Trail  
ADDRESS  
Estero Florida 33928  
CITY STATE ZIP  
(239) 498-2220 (239) 498-1484  
TELEPHONE NUMBER FAX NUMBER

See attached list of Agents  
AGENT\*  
ADDRESS  
CITY STATE ZIP  
TELEPHONE NUMBER FAX NUMBER

Phillip L. Lee and Janice J. Lee  
OWNER(S) OF RECORD  
10210 Windsor Way  
ADDRESS  
Naples Florida 34109  
CITY STATE ZIP  
(239) 566-1920  
TELEPHONE NUMBER FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\* This will be the person contacted for all business relative to the application.



II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment  
(Maps 1 thru 20)  
List Number(s) of Map(s) to be amended  
Map No. 1

B. SUMMARY OF REQUEST. (Brief explanation):

Change Future Land Use Category of subject property from Public Facilities to  
Suburban.

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY  
(for amendments affecting development potential of property)

A. Property Location:

1. Site Address: 20241 S. Tamiami Trail, Estero, Florida 33928

2. STRAP(s): 28-46-25-00-00001.0050

B. Property Information

Total Acreage of Property: 0.59 acres

Total Acreage included in Request: 0.59 acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 0.59 acres

Total Wetlands: None

Current Zoning: AG-2

Current Future Land Use Designation: Public Facilities

Existing Land Use: Office/Storage

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay:           N/A          

Airport Noise Zone 2 or 3:           N/A          

Acquisition Area:           N/A          

Joint Planning Agreement Area (adjoining other jurisdictional lands):           N/A          

Community Redevelopment Area:           N/A          

D. Proposed change for the Subject Property:

Change Future Land Use Category from "Public Facilities" to "Suburban".

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density                           N/A - see attached narrative                          

Commercial intensity                           N/A - see attached narrative                          

Industrial intensity                           N/A - see attached narrative                          

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density                           3 units                          

Commercial intensity                           5,900 sq. ft.                          

Industrial intensity                           N/A                          

#### IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

##### A. General Information and Maps

*NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.*

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
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.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).*

1. Traffic Circulation Analysis

- The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
  - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;  
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
  - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
  - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for:
- a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;

- Current LOS, and LOS standard of facilities serving the site;
  - Projected 2020 LOS under existing designation;
  - Projected 2020 LOS under proposed designation;
  - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
  - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
    - a. Fire protection with adequate response times;
    - b. Emergency medical service (EMS) provisions;
    - c. Law enforcement;
    - c. Solid Waste;
    - d. Mass Transit; and
    - e. Schools.

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).



D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
  - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
  4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

**AFFIDAVIT**

I, Daniel DeLisi, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

*Daniel DeLisi*

Signature of owner or owner-authorized agent

September 4, 2003

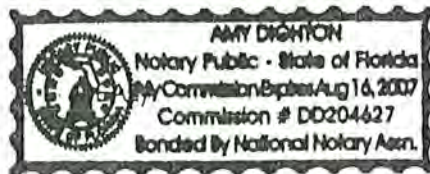
Date

Daniel DeLisi

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 4th day of September 2003, by Daniel DeLisi, who is personally known to me or who has produced \_\_\_\_\_ as identification.



*Amy Dighton*  
Signature of notary public

Amy Dighton  
Printed name of notary public

**LETTER OF AUTHORIZATION**

The undersigned do hereby swear that they are the fee simple title holders and owners of record of property commonly known as Phillip Lee Property and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Barraco and Associates, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Phillip Lee  
Owner

PHILLIP LEE  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 15TH day of AUGUST, 2003, by Phillip Lee, who is ~~personally~~ known to me or who has produced \_\_\_\_\_ as identification.



Russell B. Weiland  
Commission # CC 976445  
Expires Oct. 22, 2004  
Bonded Thru  
Atlantic Bonding Co., Inc.

Russell Weiland  
Notary Public

\_\_\_\_\_  
(Name typed, printed or stamped)

**LETTER OF AUTHORIZATION**

The undersigned do hereby swear that they are the fee simple title holders and owners of record of property commonly known as Phillip Lee Property and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Charles J. Basinait of Henderson, Franklin, Stames & Holt, P.A. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Phillip L Lee Janice J Lee  
Owner

PHILLIP L LEE Janice J. Lee  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 15TH day of AUGUST, 2003, by Phillip L Lee, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Russell B. Wetland  
Commission # CC 976443  
Expires Oct. 22, 2004  
Notary Public  
State of Florida

Russell B. Wetland  
Notary Public

\_\_\_\_\_  
(Name typed, printed or stamped)

AGENTS:

BARRACO AND ASSOCIATES, INC.  
c/o MR. DANIEL DELISI, AICP  
2271 McGregor Boulevard  
Fort Myers, Florida 33901  
Phone: (239) 461-3170  
Fax: (239) 461-3169

MR. CHARLES J. BASINAIT  
HENDERSON, FRANKLIN, STARNES & HOLT, P.A.  
1715 Monroe Street  
Fort Myers, FL 33901  
Phone: (239) 334-4121  
Fax: (239) 334-4100



# PHILLIP LEE HOMES

## SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

### INTRODUCTION

The subject site of this Comprehensive Plan Amendment is within Section 34, Township 46, Range 25, Lee County, Florida. The site is located at the northeast quadrant of US 41 and Cypress Bend Drive, between Koreshan Boulevard and Broadway. Map 3 shows the location of the subject property and the surrounding community.

### HISTORY

The subject property was purchased in 1977 by the Estero Fire Department for use as an office. When the Lee County Comprehensive Plan was created, the subject property was designated as Suburban, consistent with the surrounding properties on the east side of US 41. In 1998, under PAM/T 96-14, a Board of County Commissioners sponsored amendment, the property's Future Land Use Category was changed from Suburban to Public Facilities to reflect that the property was under the ownership of a public entity. The Public Facilities Land Use Category does not limit use or intensity, but merely establishes a category that reflects property ownership.

In 2002, the property sold to a private entity, with the intent of redeveloping the subject property for office uses. However, because properties in the Public Facilities Land Use Category are, by definition, under the ownership of a public entity, the Land Use Category of the subject property must revert back to the underlying Future Land Use Category – Suburban. This application is to amend the Future Land Use designation of the subject parcel from Public Facilities to Suburban, consistent with the surrounding properties, in order to allow for use of the subject property as something other than a public facility.

### SURROUNDING LAND USES AND COMPATIBILITY

The subject property is surrounded on all sides by existing development and Future Land Use Categories consistent and compatible with the requested change. Surrounding uses consist of existing or proposed commercial and residential uses. Not only is this 0.59-acre parcel compatible with all surrounding land uses, it is a redevelopment property with a historic use of commercial office. The subject property is bordered as follows:

North	Suburban– The property directly to the north is in the Suburban Future Land Use Category. It is zoned AG-2 (Agricultural) and is currently vacant. To the north of that are properties zoned for commercial development.
-------	--

South	<b>Suburban</b> – The property to the south's Future Land Use Category is Suburban. It is zoned C-2 (Commercial) and is currently being used for office and sales of manufactured housing.
West	<b>Suburban</b> – To the west of the subject property is US 41. Across from this highway are areas classified in the Suburban Land Use Category. The properties are zoned C-1 (Commercial) and used for a variety of commercial uses.
East	<b>Urban</b> – To the east of the subject property is an area classified in the Urban Community Land Use Category and zoned RV-3 (Recreational Vehicle Park). This property is currently utilized as residential with a manufactured home community.

Map 2A shows the current Future Land Use map with the subject property identified. In reviewing the Future Land Use Map, it is clear the Suburban Land Use Category meets the intent of the Future Land Use map.

## LAND USE ANALYSIS

This request is to change the Future Land Use Category of the subject property from Public Facilities to Suburban. The only real difference between these two land use categories is that the Public Facilities category specifies ownership of the parcel. PAM/T 96-14 (page 3 of 9, 2<sup>nd</sup> paragraph) specifies that the Public Facilities Land Use Category is a designation of ownership, not of development potential. Therefore the staff report states that Lee County is hesitant to put public lands in the Public Facilities Land Use Category that could be sold to a private entity. The subject property has now been sold to a private entity and should therefore revert to its previous Land Use Category. The change to Suburban from Public Facilities does not impact available services. The following are the descriptive policies in the Lee Plan of the two land use categories:

***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. (Amended by Ordinance No. 94-30)*

***POLICY 1.1.8:** The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, and other governmental*

*facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.*

In analyzing the *change* we are requesting, it is necessary to speculate what the Lee Plan would currently allow in the Public Facilities land use category and what the Lee Plan would allow if the change were to take place. There are few real substantive differences between the Public Facilities and Suburban land use categories. The differences that do exist are as follows:

1. The Public Facilities Land Use Category specifies ownership by a public entity.
2. In projecting potential use of the subject property it is unlikely that a Public Facility would develop a retail or residential property. Therefore, retail and residential uses would theoretically be allowed with this change.

Located directly on US 41, it is unlikely the subject property would develop for residential uses. The property is surrounded on the north and south by existing commercially zoned and used property. The historic use of the subject property has been for commercial office uses. If the property were to develop for residential uses, the maximum allowable density in the Suburban Land Use Category of six dwelling units per acre, would allow only three residential units.

#### 1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use *change* on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon).

*This section is not applicable for the proposed Comprehensive Plan Amendment. The proposed land use change will have no impact on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) or on the Capital Improvements Element (5-year horizon). The subject property has historically been used for offices. The Land Use Category was changed to Public Facilities based solely on public ownership of the property. Changing ownership from public to private will have zero impact on the Financially Feasible Transportation or the Capital Improvements Element.*

*It is possible to assume that 5,900 square feet of retail uses could be developed under the requested change, where it is unlikely that retail would be developed by a public entity. However, a public entity could develop medical office under this Land Use Category, which has nearly the same level of trip generation as retail uses. Moreover, since the Public Facilities Land Use Category does not have a specific height limitation like the Suburban Land Use Category does, it is conceivable the maximum level of development*

*under the Current Land Use Category could be greater than the Proposed Land Use Category.*

E. Internal Consistency with the Lee Plan

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

*The proposal will have no significant effect on Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map. This request could potentially increase the number of allowable residential dwellings by three units. However, given surrounding existing uses and the historic use of the property, it is unlikely residential uses will develop on the subject property.*

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

Similarly, the development proposal specifically addresses the following Lee County Comprehensive Plan requirements:

- **POLICY 1.1.5: Suburban**

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. (Amended by Ordinance No. 94-30)

- **Policy 2.1: Development Location**

The proposed development has existing or approved development contiguous to the south, east and west. To the south is a manufactured home sales facility and properties in commercial zoning districts. To the west, across US 41, is a mix of developed and vacant properties in commercial zoning districts. To the east is a manufactured home community. There is also development all along US 41 to the north of the subject property.

The proposed development serves as both an infill to other existing or approved commercial areas and residential neighborhoods adjacent to and along US 41, as well as a redevelopment project. The proposed development is within an area where services

are already available, has been using public facilities as the office location of the Estero Fire Department, and would effectively use the public investment of infrastructure in this area.

- **Policy 2.1.3: All Development Must Comply with the 2020 Overlay**

According to the Division of Planning, there is currently a sufficient allocation of commercial and residential acreage in this area to support the proposed development. No change is being requested as part of the Comprehensive Plan Amendment.

- **Policy 2.2.1: New Development To Provide Required Infrastructure**

All necessary infrastructure is available at or near the proposed project. This property is already developed and is seeking to be redeveloped by a private entity.

- **Policy 5.1.5: Protect Existing and Future Residential Areas**

The proposed change will not negatively impact any residential uses. The historic use of the subject property is commercial office and has not had a negative impact on surrounding uses.

- **Goal 6: Commercial Land Uses**

The proposed commercial uses for this overall development are consistent with this plan goal.

- **Policy 6.1.1: Commercial Development Review Criteria**

The proposed development parcels located within this project will be reviewed for traffic and access, landscaping, screening and buffering, availability of service, compatibility and environmental considerations. The subject property will need to address these issues as part of a planned development application or rezoning.

- **Policy 6.1.2.4: Commercial Site Location Criteria**

The subject property meets the criteria of minor commercial. It is located within 330 feet of the intersection of an arterial road, US 41, and a local road, Cypress Bend Drive. Due to the size of the property, it is unlikely to be able to develop more than 5,900 square feet of commercial retail uses.

- **Policy 6.1.4: Commercial Compatibility**

The commercial uses proposed for the property are compatible with the existing adjacent commercial properties to the north, south, and west. The subject property has been developed and used for several years for commercial uses, and its



redevelopment would therefore not negatively impact the residential property to the east.

- **Goal 11: Water, Sewer, Traffic and Environmental Review**

The proposed development will be proven to be consistent with Goal 11 through the provision of letters of capacity and availability of service from the water and sewer providers. The subject property is a redevelopment of a historic office use. The site has already been cleared and will not impact natural resources.

- **Objective 19.2: Commercial Land Uses**

Given that the subject property is an existing use, it will comply to the extent possible.

- **Policy 19.2.1:** As required by this policy the proposed development will need to be submitted as a Commercial Planned Development. Impacts to traffic or surrounding uses can be evaluated at the time of rezoning.

- **Policy 19.2.2:** The proposed development meets site location standards for minor commercial uses.

- **Policy 19.2.6:** Where possible, the proposed development will provide automobile, pedestrian and bicycle interconnects to adjacent properties.

- **Objective 19.5: Public Participation**

Any proposed development would need to come before the Estero Community prior to being rezoned. The applicant will meet with the community in order to ensure this project meets the intent of the Estero vision.

3. **Describe how the proposal affects adjacent local governments and their comprehensive plans.**

There are no adjacent local governments that would be affected by this plan amendment.

4. **List State Policy Plan and Regional Policy Plan goals and policies, which are relevant to this plan amendment.**

The proposed development is consistent with the Regional Policy Plan as addressed by the following Policies:

## ECONOMIC DEVELOPMENT

*Goal 1, Strategy 3 – Maintain the physical infrastructure to meet growth demands.*

The proposed development is in an in-fill area where infrastructure and services are available. The project is a redevelopment of an existing office site and has been using public facilities since its initial development. In addition, this development will be required to pay impact fees for new public facilities based on the impact of this project.

*Goal 1, Strategy 4 – Ensure adequacy of lands for commercial and industrial centers, with suitable service provided.*

Given the surrounding uses and the historic use of the subject property it is likely the commercial use will be redeveloped on this site. The location of the subject property is a "suitable urban area" based on the surrounding uses and existing infrastructure.

C. *Describe how the proposed development will meet goals and policies contained in the State Comprehensive Plan (Chapter 187, F.S.), including, but not limited to, the goals addressing the following issues: housing, water resources, natural systems and recreational lands, land use, public facilities, transportation, and agriculture.*

The proposed land use change is consistent with the State Comprehensive Plan. Below are specific policies as they relate to this proposed development.

### *(10) Natural Systems and Recreational Lands*

The proposed development does not impact any natural resources or species on or off site.

### *(15) Land Use*

*Policy (b) (1) - Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.*

The subject property is an in-fill area and is a redevelopment project. Development of the subject property would therefore make efficient use of existing infrastructure and services.

*(17) Public Facilities*

*Policy (b) (1) - Provide incentives for developing land in a way that maximizes the uses of existing public facilities.*

The subject property is an in-fill area and is a redevelopment project. Development of the subject property would therefore make efficient use of existing infrastructure and services.

PHILLIP LEE SMALL SCALE COMP PLAN AMENDMENT  
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION  
ITEM IV. B. 2A

**Provide an existing and future conditions analysis for sanitary sewer:**

Lee County Utilities maintains service for this area through the Three Oaks Wastewater Treatment Plant. A 12-inch force main runs along the east side of the U.S. 41 right-of-way to Koreshan Boulevard. There is also a 12-inch force main on the north side of the Koreshan Boulevard right-of-way.

*Policy 36.1.2 of the Lee Plan has established that "the minimum acceptable level-of-service standard for sanitary sewer connections to Lee County Utilities shall be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month..."*

According to Lee County Utilities staff, Three Oaks Wastewater Treatment Plant has a design capacity of 1.5 million gallons per day and the system capacity is currently met.

The Capital Improvements Plan Program (CIP) indicates that the Three Oaks Wastewater Treatment Plant will be expanded to 3.0 million gallons per day by September 2003 and 5.0 million gallons per day within two years.

The proposed amendment will have negligible impacts on the sanitary sewer facilities.

PHILLIP LEE SMALL SCALE COMP PLAN AMENDMENT  
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION  
ITEM IV. B. 2B

**Provide an existing and future conditions analysis for potable water.**

Lee County Utilities maintains service for this area through the Green Meadows Water Treatment Plant and the Corkscrew Water Treatment Plant. The two systems are interconnected. A 12-inch water main runs along the east side of the U.S. 41 right-of-way in front of the subject property.

*Policy 33.1.2 of the Lee Plan has established that "the minimum acceptable level-of-service standard for potable water connections to Lee County Utilities shall be an available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month..."*

According to Lee County Utilities staff, the Green Meadows Water Treatment Plant has a design capacity of 10.5 million gallons per day, and the Corkscrew Water Treatment Plant has a design capacity of 10.0 million gallons per day. In Spring 2004, the interconnected system is projected to operate at 15 million gallons per day.

The proposed amendment will have negligible impacts on the potable water facilities.



PHILLIP LEE SMALL SCALE COMP PLAN AMENDMENT  
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION  
ITEM IV. B. 2C

**Provide an existing and future conditions analysis for surface water/drainage basins:**

The subject property is located in the Estero River Watershed as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

*Lee Plan Policy 40.3.1-D has established level-of-service standards for the private and public development as follows:*

*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 flowways, whose preservation is deemed in the public interest. (Amended by Ordinance No. 92-35, 94-29, 00-22)*

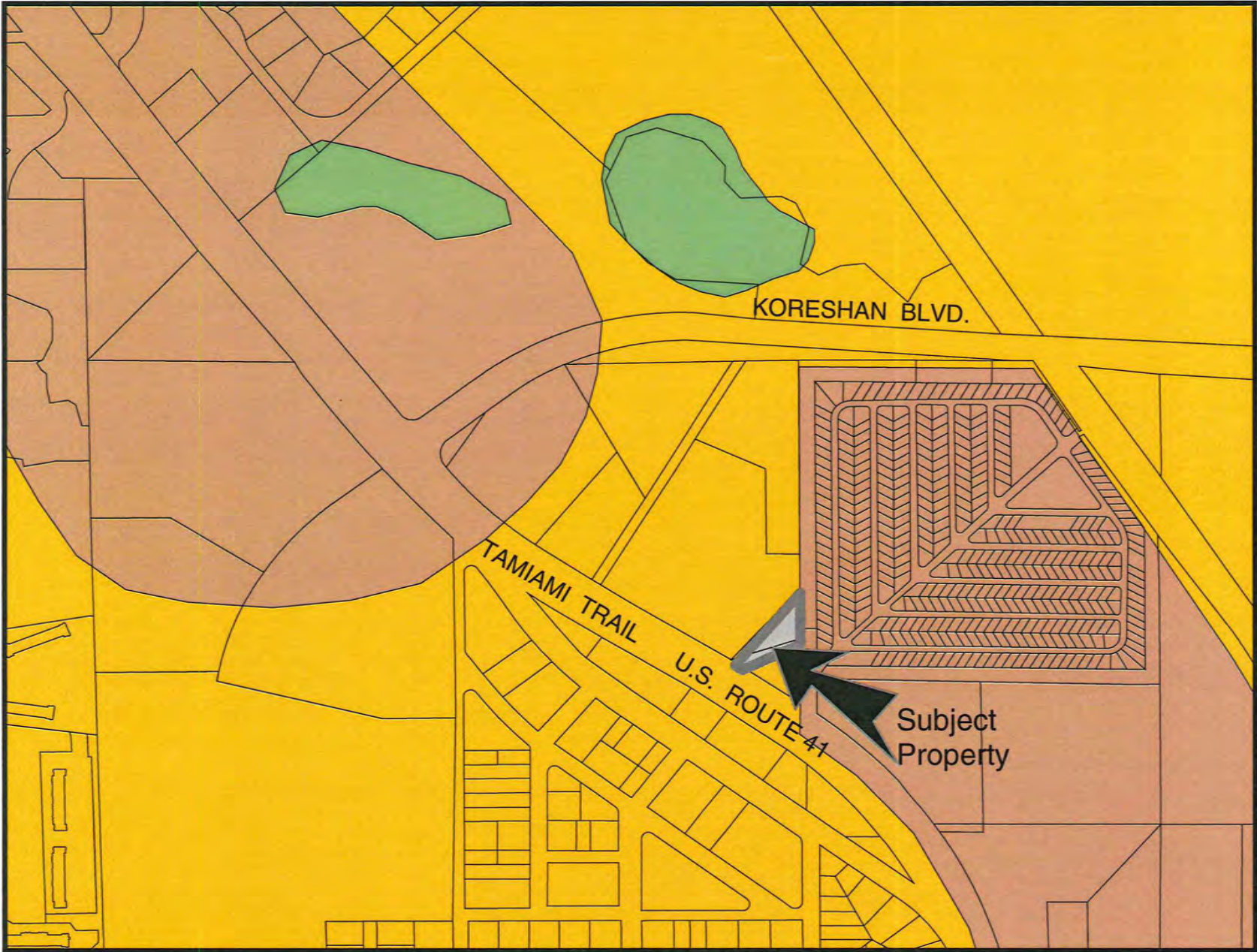
The 2002/2003 Concurrency Management report states on page 6 that "All new developments that receive approval from the South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in the Lee Plan."

PHILLIP LEE SMALL SCALE COMP PLAN AMENDMENT  
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION  
ITEM IV. B. 2D

**Provide an existing and future conditions analysis for Parks, Recreation, and Open Space:**


The Estero Community, and the area surrounding this site, has excellent access to existing parks and recreational facilities. Approximately 1.5 miles to the south is Estero Community Park, which is scheduled to have Phase I - Development completed within the next 14 months. In addition to the Estero Community Park, there are public recreational facilities at Estero High School, directly adjacent to the park, and the Three Oaks Park, located approximately 2.5 miles to the northeast of the subject property.

It is important to note that with a potential residential density of 3 dwelling units per acre, there will be no significant impact on parks. In the unlikely event that residential units were to be developed, the builder would need to pay impact fees associated with that development. Open space will be provided per Lee County requirements – 30% in commercial areas and 40% in residential areas. Open space will be evaluated at the time of rezoning.



**Legend**

- Outlying Suburban
- Public Facilities
- Suburban
- Urban Community
- Wetlands



**Lee Corp. Homes  
Current Future Land Use Map  
Lee County, Florida**

Map 2A  
Source: Lee County Property Appraiser



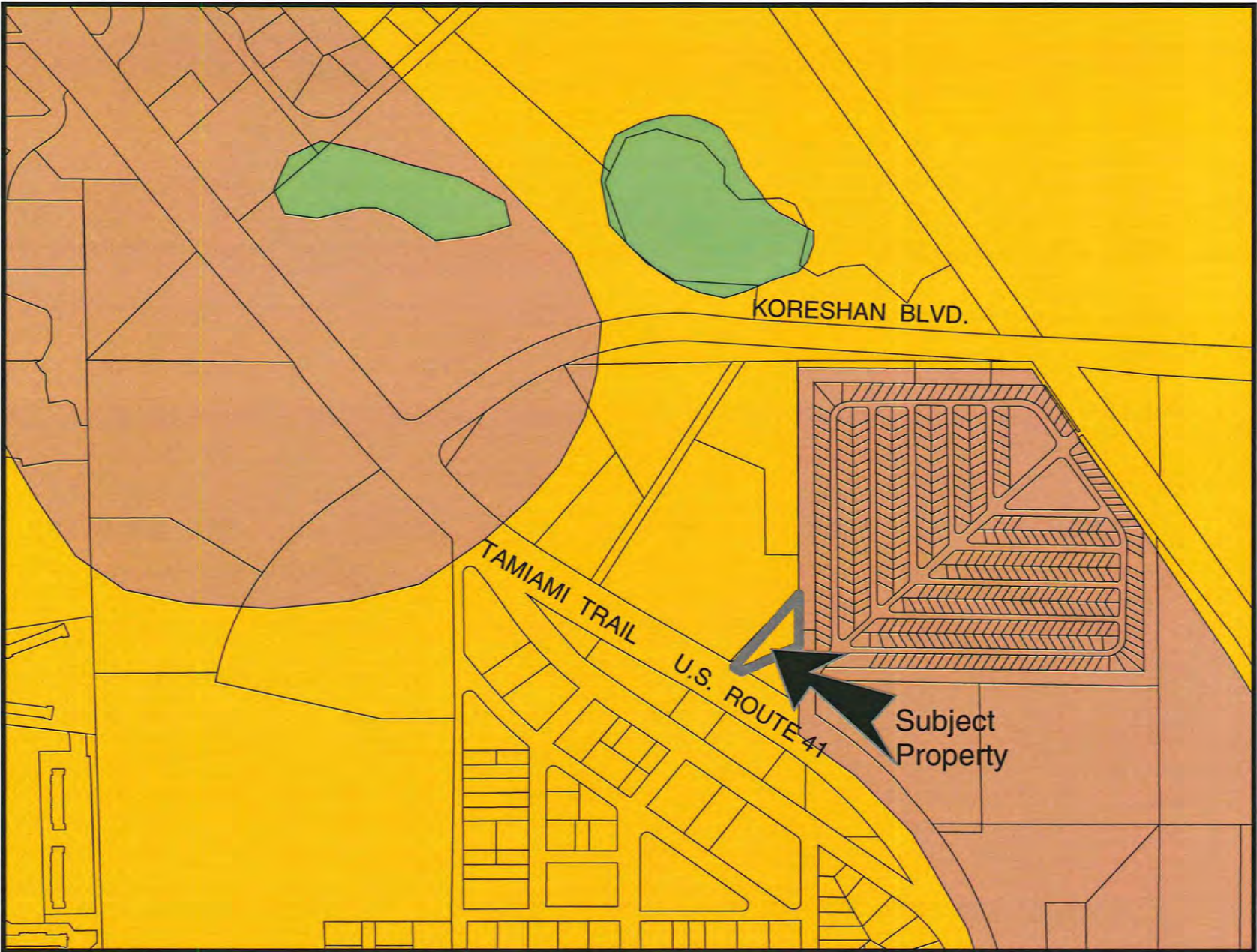
Feet

It is the responsibility of the user to verify the data contained in this document.

**Barraco**  
and Associates, Inc.

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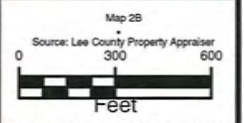


**Legend**

- Outlying Suburban
- Suburban
- Urban Community
- Wetlands



**Lee Corp. Homes  
Proposed Future Land Use Map  
Lee County, Florida**



It is the responsibility of the user to verify the data contained in this document.

**Barraco**  
and Associates, Inc.





**Aerial Photograph, Land Use and Zoning Map**

**LEE CORP. HOMES**  
**Lee County, Florida**

MAP 3, 4, & 7



**Barraco**  
 and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING - LANDSCAPE DESIGN  
 201 WASHINGTON BLVD., SUITE 2000, TAMPA, FL 33604-2000  
 PHONE (813) 442-2175 WWW.BARRACO.FLIP - FAX (813) 442-1444  
 FLORIDA CERTIFICATE OF AUTHORIZATION: ENGINEERING: 12467; SURVEYING: 12467

NOTE: PARCEL BOUNDARIES SHOWN HEREON ARE APPROXIMATE AND NOT THE RESULT OF A SURVEY.







STATE OF FLORIDA

COUNTY OF Lee

EXECUTION OF the foregoing instrument was acknowledged before me this 31 day of July, 2002 by Estero Fire Protection and Rescue Service District, who is/are personally known to me or who has produced sufficient evidence of identification (described below) and who did not take an oath.

**DRIVER'S LICENSE**

Description of identification produced: \_\_\_\_\_

*✱*  
Dennis Merrifield  
as Fire Chief.

*Toni L. Conessa*  
\_\_\_\_\_  
NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME - TONI L. CONTESSA

(Affix Notary Seal)

COMMISSION NO. - \_\_\_\_\_

COMMISSION EXP. DATE - \_\_\_\_\_



Notary Name/Commission No./Exp. Date - typed or printed  
FILE NO: F96876R  
BATCH.DOC

Office of the Sheriff  
Rodney Shoap



County of Lee  
State of Florida

August 20, 2003

Barraco and Associates, Inc  
Dan Delisi  
P.O. Box 2800  
Fort Myers, Florida 33902

RE: Philip Lee Homes

Dear Mr. Delisi:

The proposed project 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 throughout Lee County. 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 Commander





## *Estero FIRE RESCUE*

19850 Breckenridge Drive, Suite A  
Estero, Florida 33928

Phone: (239) 947-FIRE (3473)

Fax: (239) 947-9538

web site: [www.esterofire.org](http://www.esterofire.org)

---

August 20, 2003

Mr. Dan DeLisi, AICP  
Barraco and Associates, Inc.  
P.O. Drawer 2800  
Fort Myers, FL 33902

Re: Phillip Lee Homes

Dear Mr. DeLisi:

The proposed .59 acre project, located on US41 between Broadway and Koreshan Blvd. will be adequately served by Estero Fire Rescue's present facilities and manpower. The proposed use of the site, as I understand it, is business offices.

Sincerely,

DENNIS J. MERRIFIELD  
Fire Chief  
DJM/lc





**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-277-5012

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. Stillwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

August 22, 2003

Mr. Dan DeLisi, AICP  
Barraco and Associates, Inc.  
P.O. Box 2800  
Fort Myers, FL 33902

**RE: PHILLIP LEE HOMES**

Dear Mr. DeLisi:

Thank you for your correspondence with Lee County Transit in regards to requesting a land use map amendment to the subject property. You have requested a letter from us stating whether present transit amenities are capable of serving the project. Lee County Transit does not currently service this location with any type of fixed bus route service and we do not require any additional amenities for transit as a result of your proposed land use change request at this time.

If you have any further questions or comments, please call me at 277-5012.

Sincerely,

TRANSIT DIVISION

Michael Horsting  
Transit Planner



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-335-1604

Writer's Direct Dial Number: chrish@leegov.com

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*

August 18, 2003

Mr. Dan DeLisi, A.I.C.P.  
Barraco and Associates  
Post Office Drawer 2800  
Fort Myers, FL 33902

**Re: Written Determination of Adequacy for EMS Services for  
Comprehensive Plan Amendment Application.  
STRAP #28-46-25-00-000.1.0050**

Dear Mr. DeLisi:

I have reviewed your letter dated August 14, 2003, reference to a 0.59 acre project located on US 41 between Broadway and Koreshan Blvd.

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/EMS

Chief H.C. "Chris" Hansen  
EMS Manager  
Lee County Emergency Medical Services

HCH/GDW



**PAM/T 96-14  
BoCC SPONSORED  
EAR ADDENDUM AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**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*

June 3, 1998

LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAM 96-14

✓	This Document Contains the Following Reviews:
✓	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

ORIGINAL STAFF REPORT PREPARATION DATE: July 21, 1997

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 Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities Future land use category by adding and/or removing lands to more accurately identify publicly owned lands.

B. BACKGROUND INFORMATION

This amendment was initiated by the Evaluation and Appraisal Report Addendum Report as adopted by the Board of County Commissioners on February 1, 1996. This report contained the following:

Public Facilities - Policy 1.1.9

*This Policy states that: "Due to the scale of mapping, only those facilities in excess of about 20 acres are so designated on the future land use map." Since the adoption of the plan in 1990, the county has implemented a new GIS system which gives staff the ability to map all publicly owned sites regardless of size.*

*Recommendation: Amend the Future Land Use Map, Map 1, to more accurately identify*



*public facilities as part of the 1996 amendment cycle.*

### C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element, Map 1, The Future Land Use Map, by adding and removing specified parcels, to more completely show properties used as public facilities and amend Police 1.1.8 (as further amended by the LPA) as follows (policy number changed do to renumbering resulting from the EAR revisions):

**POLICY 1.1.8:** The Public Facilities areas include the ~~major~~ publicly owned lands within the county such as public schools, parks, airports, and other governmental facilities. ~~Due to the scale of mapping, only those facilities in excess of about 20 acres are so designated on the future land use map.~~ The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

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

Until 1993 the Planning Division maintained the Future Land Use Map on an AutoCAD mapping system. Since this system was based on an inch to a mile DOT base map and not parcel specific, there was no realistic way of accurately mapping publicly owned facilities under 20 acres in size. Therefore this was the criteria used when establishing the Public Facilities designation. When the maintenance of the Future Land Use Map was switched to the current GDS mapping system, the Planning Division was able to map on a parcel specific basis.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

The Public Facilities Category is intended for parcels owned by public agencies which are used as schools, parks, airports, and other governmental facilities. Due to mapping limitations, only those properties in excess of 20 acres have been included on the Future Land Use Map. This situation reduces the predictability of the map in many ways. First, the map is not visually showing all of the counties public resources (whether they are owned by the county or another agency). The ability to quickly ascertain where these uses are occurring within the county is useful to the county itself, other public agencies, future developers, and private citizens.

A second reason for more accurately designating Public Facilities on the Future Land Use Map is for the maps population accommodation capacity. By reclassifying lands owned by public agencies to Public Facilities, the Future Land Use Map Population Accommodation will be reduced by 9,677 persons. Since these lands are intended for public use it is reasonable to reclassify them to a category that better fits their intended use.

Some of the lands which meet this criteria are included in PAM/T 96-08 which is proposing to create a new Future Land Use Category "Conservation Lands". This new category will identify lands which are used for conservation purposes and are not available for urban development. Furthermore, approximately 170 parcels currently designated as Public Facilities are slated to be reclassified into the Conservation Lands category (figure one).

Specific parcels to be designated as public facilities are included on Map 1 and listed in figure two. The Division of Planning has a list of over 1500 parcels which are owned by public agencies; however, not all of these properties meet the remaining definition in Policy 1.1.8 which states the parcel should be used as a school, park, airport, or other government facility. Some of the listed parcels are currently undeveloped and may be liquidated from the land inventory of the respective agency. The Planning Division is cognizant that this situation exists and that many problems may arise if these land are designated as Public Facilities. The Public Facilities category relegates the decision of the allowable uses on a property to the entity owning the parcel and the local government having zoning and permitting jurisdiction. The purpose of this language was do to the diverse range of public uses which these lands are used for. Also, this language gives the public agency the flexibility to use its property for uses which may not have been contemplated at the time of the original writing of the policy. While this is not a major issue when the property is owned by a public agency, conflicts may arise if properties designated as Public Facilities are sold to a non-public owners. While the policy does allow the local governing agency a voice in determining the allowable uses, the Planning Division believes this is a potential conflict which should be avoided if possible. Therefore, scrutiny has been given to the list of properties which met the original criteria for selection.

The parcels to be designated as Public Facilities were selected based on ownership and use. Many properties which are currently designated as Public Facilities did not meet these criteria for one reason or another. These properties are listed in figure three. Of the parcels on this list Planning staff has identified the following parcels that should be removed from the Public Facilities (PF) land use category: 12-45-24-01-0000B.00A0, 33-46-25-00-00022.0000, 33-46-25-00-00022.0020, and 33-46-25-00022.0030. These parcels are neither owned or being utilized by a public agency as a public facility. Planning staff believes that these parcels were mapped as Public Facilities by mistake. The County's mapping system has changed since this category was mapped and one explanation is the possibility that the PF lines migrated in these cases in the change over to the new mapping system. In any case these parcels do not meet the technical requirements of Policy 1.1.8 and should not be mapped as Public Facilities.

Planning staff recommends that these parcels identified above be reclassified to the appropriate surrounding non-Public Facilities category. For the parcel in Section 12, Township 45 South, Range 24 East, the surrounding land use category is Intensive Development. For the parcels in Section 33, Township 46 South, Range 25 East, the surrounding land use category is the Outlying Suburban category. Planning staff recommends that these parcels be amended to these appropriate land use categories. Further investigation of this list will be done to determine if the Public Facilities category is the correct designation for the remainder of these parcels.

As mentioned above, the Planning Division now has the ability to map individual parcels as Public Facilities. However, the usefulness of mapping every quarter acre parcel owned by DOT for water

retention is minimal. Planning staff has identified 288 parcels equaling 104.85 acres of land which are less than one acre in size. Planning staff is in the process of reviewing these parcels to determine if they are "stand alone" sites of part of a larger collection of public lands.

The end result of the analysis is to reclassify 444 parcels of varying size located throughout the county. These parcels contain a total of 3,903.

Finally, the existing Lee Plan policy addressing the Public Facilities Category, Policy 1.1.8, includes a statement regarding the 20 acre limitation on mapping. Since this will no longer be the case, this portion of the policy needs to be removed. The revised policy should read:

**POLICY 1.1.8:** The Public Facilities areas include the major publicly owned lands within the county such as schools, parks, airports, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

No other text changes are needed to implement this amendment.

## **B. CONCLUSIONS**

Until 1993 the Planning Division maintained the Future Land Use Map on an AutoCAD mapping system. Since this system was based on an inch to a mile DOT base map and not parcel specific, there was no realistic way of accurately mapping publicly owned facilities under 20 acres in size. Therefore this was the criteria used when establishing the Public Facilities designation. When the maintenance of the Future Land Use Map was switched to the current GDS mapping system, the Planning Division was able to map on a parcel specific basis.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element, Map 1, The Future Land Use Map, by adding and removing specified parcels, to more completely show properties used as public facilities and amend Police 1.1.8 as follows (policy number changed do to renumbering resulting from the EAR revisions):

**POLICY 1.1.8:** The Public Facilities areas include the major publicly owned lands within the county such as schools, parks, airports, and other governmental facilities. ~~Due to the scale of mapping, only those facilities in excess of about 20 acres are so designated on the future land use map.~~ The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

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

DATE OF PUBLIC HEARING: JULY 24, 1997

#### A. LOCAL PLANNING AGENCY REVIEW

The LPA discussed this amendment following a presentation from staff. The LPA was concerned that there may be confusion in the mapping between this amendment and PAM/T 96-08, which is mapping conservation lands. Staff assured the LPA that many checks were being preformed to assure that this would not happen. The LPA also discussed the university campus site and whether it should be placed into Public Facilities. The LPA concluded that the university campus was a unique piece of land and should be in a different category than other public facilities. Staff stated that the University Community actually listed two areas the University Campus and the University Village. Therefore the campus site is already in a separate category. This is not shown on the Future Land Use Map because at the time of the creation of the Lee Plan goal for the university, the exact boundary of the campus site was not determined. The LPA was addressed by the planner from the school board who asked that there be a clarification that the term schools in the policy refers to "public" schools. The LPA agreed with this clarification. The final issue addressed by the LPA was the size of parcels being mapped and the portion of the text, which states major public lands, will be mapped. One LPA member questioned whether a site of less than an acre could be classified as a major public facility. Another LPA member questioned the logic of mapping quarter acres sites. It was concluded that the word major should be stricken from the policy and clarified that parcels under an acre in size were generally only mapped if they were adjacent to multiple sites that collectively created a significant piece of property.

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

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment as modified.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff. In addition, the policy should differentiate between public and private schools and should no longer include the term major in the definition of the types of lands mapped.

C. VOTE:

RICHARD DURLING	<u>ABSENT</u>
EARL HAMILTON	<u>ABSENT</u>
MITCH HUTCHCRAFT	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>
BILL SPIKOWSKI	<u>AYE</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: November 5, 1997

A. **BOARD REVIEW:** There was no public testimony or board discussion on this amendment.

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

1. **BOARD ACTION:** The Board voted to transmit this amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA.

**C. VOTE:**

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</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: February 5, 1998

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

**3. Amendment PAM 96-14:** This is a proposal to amend the Future Land Use Map (FLUM) series, Map 1, to update the public facilities land use category by adding and/or removing lands to more accurately identify publicly owned lands.

**Objection:** The proposed revision to the Future Land Use Map to show public facilities is not included on the map for review. Rule 9J-5.006(4)8., F.A.C.

**Recommendation:** Include, with the amendment, the revised FLUM showing public facilities. This map, as well as other FLUM series, shall show the future planning horizon of the plan.

**Comment:** Although Policy 1. 1. 8 is already in the plan and not proposed to be changed, it is vague and uncertain regarding the uses allowed in the public facility category since the proposed allowable uses in this category is dependent on the entity owning each parcel. It is appropriate for the County to indicate, in the plan, the type of uses allowed within public facilities land use category.

**B. STAFF RECOMMENDATION**

Adopt the amendment as transmitted including only those parcels verified by staff.

**C. STAFF RESPONSE**

Staff has produced the map as requested. Staff is in the process of reviewing parcels owned by public agencies. Only those parcels which staff has verified as being owned by a public agency whose intention is to use the subject parcel for a public use in the future have been included. In addition, those parcels which have been included in the public facilities category are being reviewed. Those that staff has verified as not meeting the definition of the category are shown as being removed (Figure 3).

Due to time constraints, the process has not been completed for the entire county. Therefore, the completion of this process should be done in a subsequent amendment cycle. Due to the evolving nature of publicly used land, staff feels the review of this category on an annual or bi-annual basis focusing on one or more agencies at a time would be appropriate. For example, the School Board will be completing an inventory of lands under their ownership this summer and would be a logical agency to review during the next amendment cycle.

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

DATE OF ADOPTION HEARING: June 3, 1998

**A. BOARD REVIEW:** The Planning Director introduced the amendment and stated that the lands being proposed to be added to the Public Facilities category are lands which have been verified as being in public ownership and which are not conservation lands. There was no public testimony or board discussion on this amendment.

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

1. **BOARD ACTION:** The Board 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	<u>AYE</u>
ANDREW COY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
JOHN MANNING	<u>AYE</u>
DOUG ST. CERNY	<u>ABSENT</u>

November 26, 2003

Ms. Nichole M. Dishman  
Planner, Division of Planning  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

Re: CPA2003-00005 LeeCorp Homes Small Scale Plan Amendment

Dear Ms. Dishman:

Please accept the following information in response to your October 2, 2003 correspondence regarding the above referenced project. The following responses are provided in order with respect to your correspondence.

**IV.B.3 "Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:**

- solid waste
- schools

**In reference to above, the applicant should supply the responding agency with the information from Sections II and III for their evaluation. This application should include the applicant's correspondence to the responding agency."**

*Attached please find letters from the Division of Solid Waste and the School Board.*

**IV.C. Environmental Impacts**

**"Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:**

- **A map of the Plant Communities as defined by the Florida Land Use Cover and Classification System (FLUCCS)."**
- **A map and description of the soils found on the property (identify the source of the information)."**
- **A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA)."**
- **A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.**



- **A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state, or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as the FLUCCS map)."**

*Per our telephone conversation, attached is an aerial of the subject property. In our original submittal we indicated this requirement is not applicable to the subject property, given the size and existing lack of vegetation. As the aerial shows, the site is already cleared and developed. The applicant will need to comply with any environmental regulations that exist or are required at the time of permitting. Therefore, this question is not applicable to this application.*

**IV.D. Impacts on Historic Resources**

**"List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included in the analysis:**

- **A map of any historic districts and/or sites, listed on the Florida Site File, which are located on the subject property or adjacent properties."**

*We have requested a letter from the Division of Historic Resources and have included a copy of our letter requesting a review. In a telephone conversation this date with the Comp Plan Amendment reviewer from the State Division of Historic Resources, we should have their response by facsimile on or about December 1, 2003. We do not believe there are any historically significant sites on this or adjacent properties.*

If you should have any questions or require additional information, please advise. We look forward to proceeding with the hearing process for this application.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

\* *Dan DeLisi / by cmh*

Dan DeLisi, AICP  
Vice President of Planning

\* Signed in his absence to avoid delay

DD/cmh  
21833



# LEE COUNTY

## SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 338-3302

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. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

October 31, 2003

Mr. Dan DeLisi  
Barraco and Associates  
2271 McGregor Blvd.  
Ft. Myers, FL 33901

**SUBJECT: Project #21833**

Dear Mr. DeLisi:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial property located on U.S. 41 (STRAP # 28-46-25000-00001.0050) through our franchised hauling contractors. Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (00-20, sections 16B & 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman  
Operations Manager  
Solid Waste Division

21533



# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

JEANNE S. DOZIER  
CHAIRMAN - DISTRICT 2

E. NOR C. SCRIPCCA, PH.D.  
VICE CHAIRMAN - DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, PH.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JAMES W. BROWDER, ED.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

September 8, 2003

Mr. Dan DeLisi  
Barraco and Associates, Inc.  
P O Drawer 2800  
Ft. Myers, FL 33902

Re: Request for Determination of Adequacy  
Proposed Plan Amendment  
Phillip Lee Homes

Dear Dan:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment you have submitted to Lee County. The proposed change affects a .59 acre project in the Estero area between Broadway and Koreshan Boulevard. In our opinion, this amendment will not increase the overall development density and will not impact the level of services the District provides to the area. The proposed change could add up to one student to the District. As such, the proposed plan amendment would not impact the Lee County School District.

If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner  
Department of Construction and Planning

cc: Armondo de Leon, Plant Manager

**DISTRICT VISION**

TO PREPARE EVERY STUDENT FOR SUCCESS

**DISTRICT MISSION**

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





NOTE: PARCEL BOUNDARIES SHOWN HEREON ARE APPROXIMATE AND NOT THE RESULT OF A SURVEY

# Barraco and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING - LANDSCAPE DESIGN

[www.barraco.net](http://www.barraco.net)

2271 MCGREGOR BOULEVARD  
POST OFFICE DRAWER 2800  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 461-3170  
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

PROJECT DESCRIPTION

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE  
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FILE NAME	21833AE02.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21833\DWG\EXHIBITS\1
PLOT DATE	WED. 2-18-2004 - 6:40 AM
PLOT BY	TODD VANA
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS


PLAN STATUS

EXHIBIT

**AERIAL PHOTO**

PROJECT / FILE NO.	SHEET NUMBER
<b>21833</b>	<b>2</b>



November 11, 2003

Ms. Janet Snyder Matthews, Ph.D.  
Director and State Historic Preservation Officer  
Florida Department of State - Division of Historical Resources  
500 S. Bronough Street  
Tallahassee, Florida 32399-0250

Re: LeeCorp Homes Small Scale Comp Plan Amendment (0.59 acres)  
STRAP No. 28-46-25-00-00001.0050  
Lee County, Florida

Dear Dr. Matthews:

Barraco and Associates, Inc. has submitted an application for a small-scale Comprehensive Plan Amendment for the referenced project. The property is located on U.S. 41 between Broadway and Koreshan Boulevard in Lee County, Florida. Enclosed you will please find a location map for your review purposes.

In order for us to satisfy the County's requirements, we need a letter from your office indicating the presence of any historic properties in existence on the subject property.

If you should have any questions or require additional information, please advise.

Very truly yours,

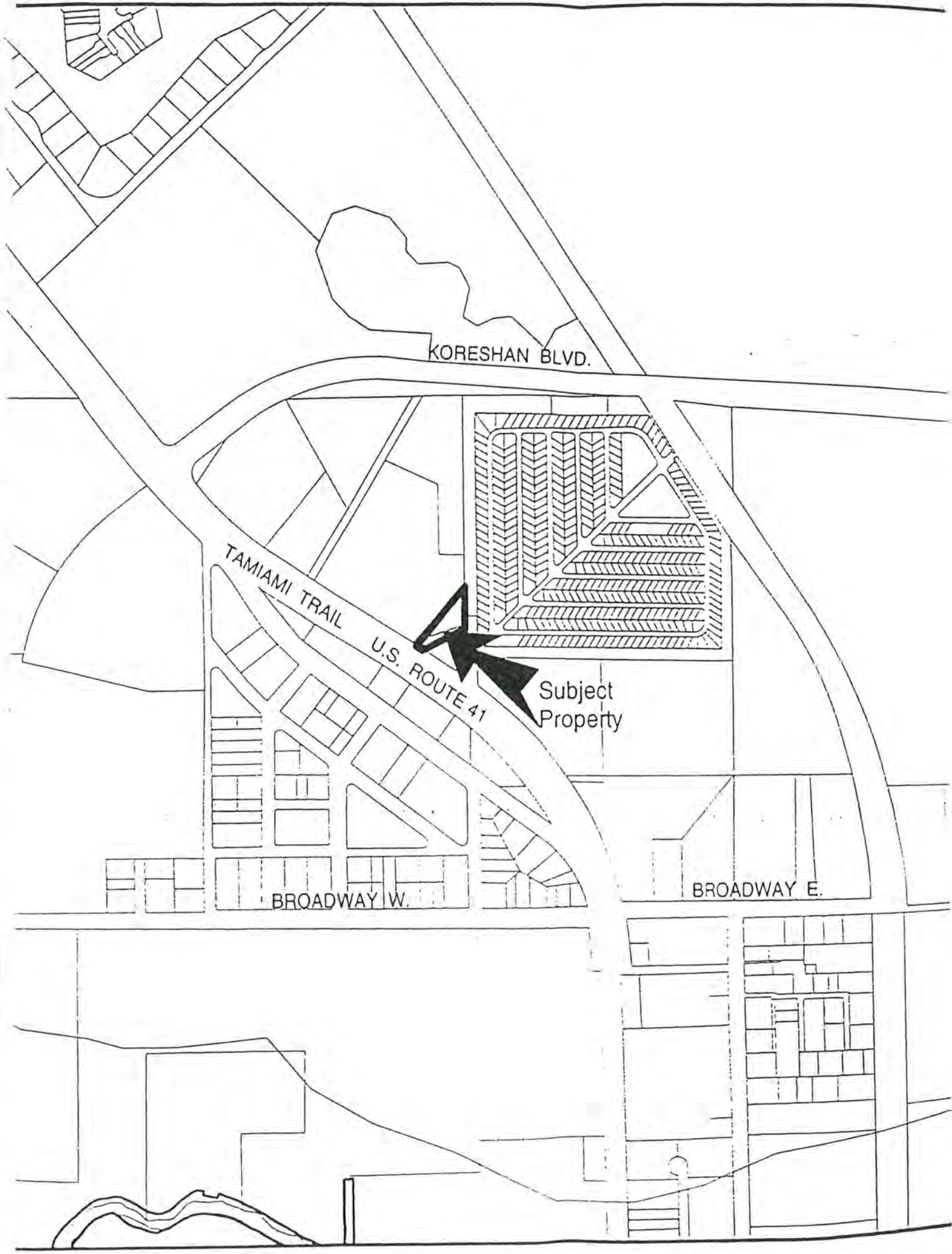
BARRACO AND ASSOCIATES, INC.



Daniel DeLisi, AICP  
*Vice President of Planning*

DD/cmh  
21833

Enclosure



KORESHAN BLVD.

TAMAMI TRAIL

U.S. ROUTE 41

Subject Property

BROADWAY W.

BROADWAY E.

December 9, 2003

Ms. Nichole M. Dishman  
Planner, Division of Planning  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

Re: CPA2003-00005 LeeCorp Homes Small Scale Plan Amendment

Dear Ms. Dishman:

In our sufficiency response dated November 26, 2003, we stated the letter from the Division of Historic Resources (in response to IV.D.) was forthcoming and would be delivered to your office when received. Enclosed you will please find a copy of the Division's review letter wherein they declare that no significant archaeological or historical sites are recorded or considered likely within the project area.

If you should have any questions or require additional information, please advise. We look forward to proceeding with the hearing process for this application.

Very truly yours,

BARRACO AND ASSOCIATES, INC.



Dan DeLisi, AICP  
*Vice President of Planning*

DD/cmh

21833

Enclosure

DEC 08 2003



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
 Secretary of State  
 DIVISION OF HISTORICAL RESOURCES

November 26, 2003

Mr. Daniel DeLisi  
 Barraco and Associates, Inc.  
 P. O. Drawer 2800  
 Fort Myers, Florida 33902

Re: Small Scale Comprehensive Plan Amendment  
 Section 28, T46S-R25E  
 Lee County, Florida  
 DHR Project File No. 2003-10211 (Received 11/14/03) *LAH 12/1/03*

Dear Mr. DeLisi:

According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, and the appropriate local ordinances, we reviewed the proposed comprehensive plan amendment.

A review of the Florida Master Site File indicates that no significant archaeological or historical sites are recorded for or considered likely to be present within the project area. Furthermore, because of the project location and/or nature, it is considered unlikely that historic properties will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on historic properties listed, or eligible for listing in the *National Register of Historic Places*, or otherwise of historical or archaeological value.

If you have any questions concerning our comments, please do not hesitate to contact Susan Harp at (850) 245-6333. Thank you for your interest in protecting Florida's historic resources.

Sincerely,

*Barbara E. Matlik*  
*Historic Preservation Supervisor*

*for* Janet Snyder Matthews, Ph.D., Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

<input type="checkbox"/> Director's Office (850) 245-6300 • FAX: 245-6435	<input type="checkbox"/> Archaeological Research (850) 245-6444 • FAX: 245-6436	<input checked="" type="checkbox"/> Historic Preservation (850) 245-6333 • FAX: 245-6437	<input type="checkbox"/> Historical Museums (850) 245-6400 • FAX: 245-6433
<input type="checkbox"/> Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476	<input type="checkbox"/> St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044	<input type="checkbox"/> Tampa Regional Office (813) 272-3843 • FAX: 272-2340	