

LEE COUNTY ORDINANCE NO. 03-20  
(Estero 60)  
(CPA2002-02)



AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2002-02 (PERTAINING TO ESTERO 60) APPROVED DURING THE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, FUTURE LAND USE MAP AND TABLES; 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 participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and Lee County Administrative Code on March 24, 2003; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 25, 2003. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2002-02 pertaining to the Estero 60 Parcel, to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 25, 2003 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC Report on September 5, 2003; and,

WHEREAS, at a public hearing on October 23, 2003, the Board moved to adopt the proposed amendment to the Lee Plan adopting the Greater Pine Island Community Plan more particularly set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2002/2003 Regular Comprehensive Plan Amendment Cycle CPA2002-02 Estero 60 Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as



revised by the Board of County Commissioners on October 23, 2003, known as CPA2002-02. CPA2002-02 amends the Plan to:

- A. Amend the Future Land Use Map Series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map from "Rural" to "Outlying Suburban."
- B. Amend Lee Plan Policy 1.1.6. by limiting the density in the reclassified area to 2 dwelling units per acre.
- C. Amend Table 1(a), Note 6, to require central sewer service for development on the subject property.

The corresponding Staff Reports and Analysis 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 that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

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

#### SECTION SEVEN: EFFECTIVE DATE

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

will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

DONE AND ADOPTED this 23<sup>rd</sup> day of October 2003.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

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

*Charlie Green*  
Deputy Clerk

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

*Ray Judah*  
Chairman

DATE: 10/23/03

Approved as to form by:

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





**Charlie Green**  
**Clerk of Circuit Court**  
**Lee County, Florida**

STATE OF FLORIDA

COUNTY OF LEE

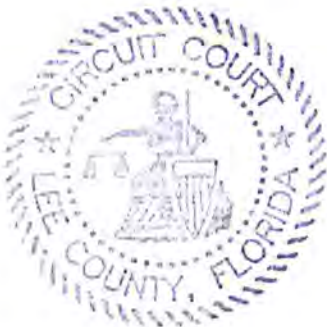
I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 03-20, adopted by the Board of Lee County Commissioners, at their meeting held on the 23rd day of October 2003 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 27th day of October 2003.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida

By:

  
Deputy Clerk



**CPA2002-02  
ESTERO-60  
PRIVATELY INITIATED  
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**

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

**October 23, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2002-02**



Text Amendment



Map Amendment

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

STAFF REPORT PREPARATION DATE: March 17, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

ESTERO 60 ACRE LAND TRUST  
REPRESENTED: BY WAYNE ARNOLD,  
Q. GRADY MINOR AND ASSOCIATES

**2. REQUEST:**

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, to amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property. The applicant proposes the following text amendment:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities,



commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. For lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, connection to a central sanitary sewer system shall be required if residential development occurs at a density exceeding 1 dwelling unit per acre, and clustering shall be utilized if residential development occurs at a density exceeding 1 unit per acre to enhance open spaces and buffers and to provide for an appropriate flow way. Compliance with the above clustering standards shall be demonstrated through the use of the planned development zoning district.

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

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** In addition to the various conclusions contained in this Staff Analysis, staff offers the following as the basis and recommended findings of fact:
  - The requested land use category is not adjacent to the site.
  - The need for additional urban area within the County has not been justified by the applicant.
  - Based on the 2020 FSUTMS model run, even with all planned improvements, U.S. 41 will operate at LOS F in the year 2020. The proposed increase in density would add 59 trips in the P.M. peak hour. This would worsen an already burdened section of major roadway.
  - Access to the property is through an existing residential area to the east. Furthermore, the access road is substandard and the access is problematic where the Right of Way intersects existing roads.

- All portions of the property less than 7.4 feet in elevation meet the criteria of the Coastal high Hazard Area.
- Access is further limited by the north-south configured slough flow-way on the eastern edge of the property.
- This slough could act as a conduit for storm surges coming up from Mullock Creek.
- This property is within the Tidal Surge area depicted on Lee Plan Map 9: Defined 100-year Flood Plains.
- The property abuts the Estero Scrub Preserve, a state-owned conservation area, to the south and west.
- Increasing residential density from one unit per acre to two units per acre would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels.
- The proposal would add 2.4 minutes to the hurricane evacuation time.
- The proposal would double the number of vehicles evacuating in a hurricane from 58 to 116 and the number of people evacuating from 109 to 218.
- The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46.
- The proposal would double the amount of hurricane shelter space needed in a category 2 hurricane from 460 square feet to 920.
- The majority of the property contains high quality native uplands.
- The property contains habitat for Lee County listed species.
- The proposed amendment is inconsistent with Lee Plan Policies 75.1.4 and 5.1.2 which seek to limit development in the Coastal High Hazard Area.
- A nearly identical proposal was denied by the Board of County Commissioners in January 2002.
- Remaining upland portions of the property are essentially an island surrounded by the Coastal High Hazard Area.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 60.324 acres.

**PROPERTY LOCATION:** The site is generally located at the end of Pine Road, west of U.S. 41 in Estero.

**EXISTING USE OF LAND:** The subject property is currently vacant.

**CURRENT ZONING:** AG-2.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Rural, Urban Community and Wetlands.

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

**WATER & SEWER:** The subject property is located in the Gulf Environmental Services, Inc., franchise area for potable water service. Conversations with personnel at the water utility indicate that adequate flow and pressure are available. The nearest water main is a 10 inch line running along the south side of Pine Road from US 41 to the western end of Pine Road, terminating approximately 670 feet from the property. Staff has confirmed with personnel at Gulf Environmental Services Inc. that the water treatment plant for the area has sufficient capacity for the proposed additional 60 units.

The subject property is also located in the Gulf Environmental Services, Inc., franchise area for sanitary sewer service. According to the application, "Sanitary sewer will be extended to the site and utilized." The nearest sewer line is a force main on the east side of US 41 and connecting to it would require an investment in infrastructure for new lines and force pumps. Planning staff notes that Lee Plan Standards 11.1 and 11.2 provide for mandatory connections when certain development thresholds are achieved. The proposed density increase would fall below the 2.5 units per acre threshold for mandatory connection to sanitary sewer lines. However, the applicant has proposed language that would make sewer connections mandatory for the subject property.

On June 30<sup>th</sup> 2003 Lee County Utilities will take over services from Gulf Environmental Services. Staff does not anticipate any difficulties or changes in the level of service from this change.

**FIRE:** The property is located in the San Carlos Fire Protection and Rescue Service District.

**TRANSPORTATION:** The subject property currently has access to an unimproved dirt trail which is covered by easements connecting it to Pine Road, on the west side of U.S. 41.

**SOLID WASTE FRANCHISE:** Gulf Disposal Inc.



## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant, Estero 60 Acre Land trust, represented by Wayne Arnold, is requesting a change of future land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for 51.63 acres of a 60.324 acre parcel of land (attachments 1A and 1B). The applicant is also requesting an amendment to the Lee Plan that would limit the property to a maximum density of two units per acre and would require that any future development to connect to central sewer services. The site is located west of the current terminus of Pine Road west of U.S. 41 in Estero, in Section 20, Township 46 South, Range 25 East. If the amendment is approved the permissible density would increase from a maximum standard density of 1 du/acre to 2 du/ac, a 100 percent increase.

This proposal is nearly identical to proposed Lee Plan Amendment PAM98-06. That proposed amendment was denied by the Lee County Board of County Commissioners in January 2002. The only difference between PAM98-06 and this proposed amendment is the additional proposed language requiring the subject property to connect to central sewer service and the use of clustering and the planned development process.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was shown as being located in the "Rural" and "Urban Community" land use categories. Only that portion of the property lying to the east of Mullock Creek was designated Urban Community which accounts for only a small triangle in the extreme southeast corner. Subsequent Future Land Use Map amendments and administrative interpretations redesignated the slough system on the eastern side of the property and other scattered spots to Wetlands. This created 7.86 acres of Wetland designation and resulted in an even a smaller portion (.5 acre) of the property being designated Urban Community. There are approximately 51.63 acres currently designated Rural on the property. The future land use designations of this property were not affected by the Estero/Corkscrew Road Area Study of 1987.

#### **ADJACENT ZONING AND USES**

Immediately to the north of this parcel are 9 vacant acres of a 31 acre parcel in the Shady Acres RV Park, with AG-2, MH-2, and RV-3 zoning. North of that parcel is a subdivided portion of Shady Acres with MH-1 zoning. These parcels are designated as Rural, Wetlands, and/or Urban Community. Immediately to the east of the subject parcel are several parcels zoned AG-2 and RS-3. Some are vacant, and others have low density residential uses. These parcels are designated Wetlands and Urban Community. Two parcels have churches on them. The first church is a Congregation of Jehovah's Witnesses on the north side of Pine Road. Further east on the south side of Pine Road is Crossway Baptist Church. To the south and the west is the Estero Scrub Preserve, a conservation area and part of the state-owned Estero Aquatic Preserve. To the east is a 10 acre vacant parcel that is part of a slough system feeding into Mullock Creek. This parcel is part of an ongoing land swap between the Trustees for Internal Improvement Trust Fund (TIITF) and the parcels owner. The 10 acre parcel is being given to the state in exchange for TIITF-owned land along US41. The 10 acres will then become part of the Estero Scrub Preserve. The significance of this swap is that if it goes through it will cause the subject property to become bordered by the Estero Scrub

Preserve on three sides. This will further isolate the property from nearby residential land. As of this report, the swap is still pending.

### **TRANSPORTATION ISSUES**

Proposed Lee Plan Amendment PAM 98-06 was a part of the 2001-02 Regular Plan Amendment Cycle. The Lee County Department of Transportation (DOT) reviewed that request and provided Planning staff written comments dated December 14, 1998 (see Attachment 2). The Department of Transportation raised four questions/comments which are relevant to this proposed amendment. The property will use Pine Road to access U.S. 41. DOT notes that, based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020, even with all of the planned transportation improvements in place. In a memo dated February 6, 2001, DOT staff states that a density increase of 1 unit/acre to 2 units per acre will result in an additional 59 trips in the P.M. peak hour, but this will not change the future road network plans. Although the number of trips generated will not be very large, it will exacerbate an already bad situation. Planning staff questions the validity of doubling the density on this property when it is known that there is a future LOS problem on a major roadway link affected by this property.

DOT also raises a potential problem with north bound traffic exiting the property making a U-turn at the intersection of U.S. 41 and Breckenridge.

Pine Road itself is a substandard roadway, measuring only about 20 feet wide with soft shoulders and a drainage ditch on the north side.

An additional concern is the configuration of the access from Pine Road. Several access points intersect at this point. This includes the easement to the subject property, Allaire Lane to the south, Pine Road to the east, the entrance way to the residential property to the southwest, an unimproved approach running north from the intersection, and access ways from the residence to the northwest and the Jehovah's Witness church northeast of the intersection.

### **Mass Transit**

The application provided the following regarding Mass transit during the PAM 98-06 plan amendment:

*"The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary."*

In a memo dated February 20, 2003, Steve Myers of LeeTran reaffirmed that the proposed amendment will have no effect on existing or planned LeeTran services (see Attachment 2).

### **PUBLIC SAFETY ISSUES**

The applicant and Planning staff requested letters from the public safety and service providers (see Attachment 2). The purpose of these letters is to determine the adequacy of existing or proposed support facilities.

### **Emergency Management - Hurricane Evacuation/Shelter Impacts**

Lee County Emergency Management (EM) staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments dated February 20, 2001 (see Attachment 2). These comments are relevant to this proposed amendment. Many portions of the subject property meet the criteria for the Category 1 evacuation area. Doubling the allowable density on a property located in a Category 1 evacuation area, according to the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, would add 2.4 minutes to the exiting evacuation time. The increased density would also double the number of people seeking shelter in a category 2 hurricane from 23 to 46 and double the amount of shelter space needed from 460 square feet to 920. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of evacuating people would double from 109 to 218.

### **Fire Service Impact**

The subject parcel is located within the San Carlos Fire Protection and Rescue Service District. In a May 29, 2001 conversation with staff, Chief Ippolito of the San Carlos Fire Protection and Rescue Service District stated his objection to the proposed increase in Density due to the single access and the substandard nature of Pine Road. This concern was reaffirmed in a conversation with San Carlos Fire Protection staff on March 14, 2003.

### **Emergency Medical Services (EMS) Impact**

EMS staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments. Those comments are relevant to this proposed amendment. In a letter dated October 15, 1998, the EMS Program Manager stated:

*"If the above named parcel is changed to Outlying Suburban from Rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit /3 dwelling units per acre) The Residents could generate 45 calls annually for EMS resources."*

*"Without a site plan showing ingress/egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances/personnel are acquired according to current budgetary plans."*

Planning staff is concerned that an average response time of six minutes is excessive. The Lee Plan's non-regulatory EMS standard, as contained in Policy 70.1.3, provides for "a five and one half (5½) minute average response time."

### **Public Safety Conclusion**

From the above reviews, planning staff concludes that the requested land use change will have an impact on public safety service providers by increasing the demand on existing and future facilities.

### **SCHOOL IMPACTS**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated February 26, 2003 (see Attachment 2). In a personal communication with planning staff on March 4, 2003 School District staff confirmed that the proposed amendment to Outlying Suburban would increase the potential density to two units per acre, or 120 units. These units would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the



South Region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that would need to be addressed in the permitting process through school impact fees.

### **VEGETATION & WILDLIFE**

The 60-acre parcel contains approximately 43 acres of high quality scrubby pine flatwoods, 0.7 acres of pine/oak scrub, 5 acres of pine flatwoods with melaleuca, 8 acres of melaleuca dominated wetlands, 1.7 acres of FPL transmission line easement, 1.2 acres of borrow pit/pond, and 0.8 acres of disturbed area. The property abuts the Estero Scrub Preserve along the entire length of the western and southern property lines.

The melaleuca dominated slough system crossing the eastern portion of the property is degraded vegetatively, however, the conveyance and stormwater storage capacity are important to this portion of the County. Restoration of the slough system would be beneficial to water quality, water storage, and wildlife. In fact, the state has begun restoration of this slough system to the south on the Estero Scrub Preserve property.

The property consists of habitat that may support Lee County listed species. The potential listed species include gopher tortoise, eastern indigo snake, gopher frog, southeastern American kestrel, red-cockaded woodpecker, Florida panther, Big Cypress fox squirrel, Florida black bear, fakahatchee burmanian, satinleaf, beautiful paw-paw, Florida coontie, American alligator, roseate spoonbill, limpkin, little blue heron, reddish egret, snowy egret, tricolored heron, and Everglades mink. Gopher tortoise burrows and scat were observed by Craig Schmittler, South Florida Water Management District, and Boylan Environmental Consultants staff.

### **COMMUNITY PARKS IMPACT**

The application provides the following concerning this issue:

*"The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero."*

In a memo from the Development Services Division dated May 16, 2001, County staff states,

*"The potential increased population is 126 residents. These residents will require 0.75 acres of regional parks to meet the required level of service (LOS) and 1.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the year 2004. However, the desired LOS will probably not be met in 2004."*

*"The residents will require 2.2 acres of community parks to meet the required LOS standard and 2.52 acres to meet the desired LOS standard. There is sufficient acreage to meet the required LOS standard throughout the year 2004. However, the desired LOS standard was not met in 1997. The only new park or addition planned in Community Park Impact Fee District 4 is a 3-acre addition at Bay Oaks Park on Ft Myers Beach which is not large enough to meet the desired LOS in 1998 or later."*

Although the proposed amendment would not create a park acreage deficit, it would make the goal of attaining the desired level of park space more difficult to achieve.

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following discussion concerning this issue:

*"Surface water management will be provided by a series of lakes, connecting culverts and out falls structures. All will be permitted through the South Florida Water management District and will comply with their rules and regulations."*

According to staff from Lee County Division of Natural Resources, surface water flows affecting this site are from northeast to southwest. While it may be perceived that flow go toward Mullock Creek, the system is very small and constricted. Staff believes the water flows crossing this site should be routed through this sites' water management system and outfall toward the FPL grade with culverts to allow the water flow to continue to the southwest through the State preserve.

## **COASTAL ISSUES**

Coastal issues are relevant to this application. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council, shows that approximately 2.2 acres of the subject property are located within the Category 1 storm surge zone. However, due to the generalized nature of the Storm tide atlas, 2.2 acres is a low estimate and does not accurately indicate the extent to which the subject property would be affected by coastal flooding. In particular, staff is concerned that the slough on the eastern side of the property would act as a conduit for storm surges coming up from Mullock Creek. These surges could not only flood part of the subject parcel, but would also lay across the only access way from the subject property to hurricane evacuation routes. According to communications with Dan Trescott of the Regional Planning Council, those portions of the subject property lower than 7.4 feet meet the criteria for the category 1 storm surge and should be in the Coastal High Hazard Area. This includes the Northwest corner of the property, the eastern portion of the northern half of the property as well as the southeast corner of the property (See Attachment 4). The topographic map of the subject property reveals that the slough areas are less than 7.4 feet in elevation and therefore should be within the Coastal High Hazard Area. The subject site is in the "Coastal Planning Area" as defined by the Lee Plan. All of the subject property is in the FIRM A Zone. The site is also within the Tidal Surge area of a 100-year storm according to Lee Plan Map 9: Defined 100-year Flood Plains (See Attachment 5). The site has a history of flooding as indicated on the Flood History Map supplied by Emergency Management Staff (See Attachment 6).

Lee Plan Policy 75.1.4 states:

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

The applicant is seeking to increase residential density over and above that which is currently permitted by the Rural designation of the subject property. The end result, if approved, is increased density and the



concurrent increase in population placed in an area subject to storm surge. Staff finds that doubling the number of permitted units on the subject property is inconsistent with the statement of "assignment of minimum allowable densities" in this policy.

In addition, Lee Plan Policy 5.1.2. states:

*"Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community."*

Staff finds that doubling the number of permitted units on the subject property is inconsistent with this policy. Furthermore, the applicant has not included any analysis or justification that the subject property (a portion of which is located in the Coastal High Hazard Area) is an appropriate location to increase densities from that currently envisioned and permitted by the Lee Plan.

In a memo dated February 13, 2003, John D Wilson of the Division of Public Safety states:

*"As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4."*

*"The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not consistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would remove this acreage from the amount the county currently receives credit for this particular activity."*

In the event of a category two hurricane, doubling the density of this property would also double the number of evacuating people from 109 to 218. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of people seeking shelter would double from 23 to 46.

#### **POPULATION ACCOMMODATION ANALYSIS**

There are approximately 51.63 acres currently designated Rural on the property. Under the current designation, 51 dwelling units could be constructed in the Rural area. This Rural area accommodates 106 persons on the FLUM (51 X 2.09 persons per unit). There is .5 acre designated Urban community on this property. Under that designation, a maximum of 3 dwelling units could be built in that area. This equates to a population accommodation capacity of 6 persons (3 units X 2.09 persons per unit). There are 7.86 acres designated Wetland on the subject property. Since a minimum of 20 acres of Wetland is needed for a single unit, no dwelling units can be constructed in this area. Under current designation, 54 units total can be constructed on the subject property for a population accommodation capacity of 112 persons.

The proposed plan amendment would redesignated the Rural areas to Outlying Suburban with a maximum density of 2 units per acre. This would allow a maximum of 103 units to be built on the outlying suburban land. This would increase the Population accommodation capacity to 215 persons. The Urban Community

and Wetland areas would be unaffected and would still allow 3 units and zero units respectively. This would create a total of 106 dwelling units on the subject property and a population accommodation capacity of 221 persons under the proposed amendment. This would increase the population accommodation on the Future Land Use Map by 109 persons.

### **APPROPRIATENESS ANALYSIS**

The request is to redesignate 51.63 acres of a 60.324 acre parcel of land from a non-urban designation to a Future Urban designation. The applicant has not shown that the proposed land use category is appropriate for the subject site. The requested land use category, Outlying Suburban, is not adjacent to the site. As such, the proposed amendment represents "spot" planning. In addition, the proposal would also create approximately 51 acres of additional future urban area. Lee County currently has sufficient land designated future urban area and the applicant has not provided sufficient justification for more urban land at this time.

In 1989, The secretary of the Florida Department of Community Affairs defined sprawl as "premature, low-density development that 'leapfrogs' over land that is available for urban development." The subject property is in a rural designation and is situated just outside a future urban area designated Urban Community on the Future Land Use Map. The urban area between the subject property and US 41 currently contains low density residential and vacant parcels (attachment 3). As such, the proposed amendment would fit this definition of urban sprawl.

The site abuts a state-owned preservation area and as such the lower density non-urban category is more appropriate. Lee County has proposed no urban services for this site. Increasing the density would place a greater demand on a substandard local road and on US 41, which will be already overloaded by the year 2020. The applicant has not stated a clear planning basis for the requested change. Staff finds that the application's supporting documentation is insufficient to warrant this change.

### **B. CONCLUSIONS**

This proposed plan amendment is almost identical to previous Lee Plan amendment PAM98-06 that was denied by the Lee County Board of County Commissioners in January 2002. The only difference between the two applications is the new proposed language that would require connection to central sewer service and the use of clustering and the Planned Development Process. The issues and concerns that planning staff had with PAM98-06 are still relevant and have not been sufficiently addressed by the applicant. Staff's main concern is the presence of the slough flow-way on the eastern edge of the property and the property's vulnerability to flooding. Planning staff finds that there is no justification for the proposed amendment to Map 1, the Future Land Use Map, to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban. The proposed plan amendment does not remedy or mitigate any undesirable condition nor does it enhance or create any desirable conditions. Staff believes that the increased density is inappropriate for the area.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended as requested. This recommendation is based upon the previously discussed issues and conclusions of this analysis. See the finding of facts in Part I of this report.



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

DATE OF PUBLIC HEARING: March 24, 2003

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

Both planning staff and the applicant gave presentations. One LPA member asked if any specific clustering were being proposed. The applicant replied that there were no specific plans for the property but that the RPD process would be used. An LPA member stated that it would be possible for the applicant to get the desired number of units on a smaller piece of land at higher density, allowing much of the property to be preserved. The applicant replied that it was necessary to redesignate the entire property to achieve the proposed density of 2 units an acre.

Another LPA member asked for an update on an abutting 10-acre parcel known as the Smith Parcel. The applicant described the parcel as 7 acres of slough and 3 acres of upland. The applicant stated that a developer was due to purchase the property on April 15<sup>th</sup> and then swap it to the state in exchange for another parcel in the area.

Three residents of the neighborhood abutting the subject property spoke at the meeting. Among the concerns they expressed were:

- The increased number of people that would be exposed to flooding, storm surges and hurricanes.
- The increased danger of entering US 41 from Pine Road.
- The destruction of wildlife habitats.
- The increased traffic would increase the danger to neighborhood children and pets.

One citizen stated that there is a 30-40 signature petition on file at the commissioners office opposing the proposed expansion.

Board members asked if there were any plans to signalize the Pine Road/ US 41 intersection or if the additional 60 units would warrant a median. Staff replied that they did not know of any plans to signalize the intersection and it would not be possible to accommodate a median at that location.

Two board members expressed concern over increased urban area in the County and felt that the traffic issue had not been addressed. Another member felt that the applicant was reasonable in their efforts and that in the long run, the County was better off with a clustered development served by sewer.

One member stated that although the applicant had made an effort to sell the property to the state, he moved that the LPA find the proposed amendment inconsistent with the Lee Plan and recommend that the Board of County Commissioners not transmit the proposed amendment. This motion was seconded.

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

**1. RECOMMENDATION:**

The LPA recommends that the Board of County Commissioners **not** transmit this amendment.

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

The LPA found that despite the applicants efforts to meet planning staffs requests, the proposed plan amendment was inconsistent with the Lee Plan.

**C. VOTE:**

NOEL ANDRESS	<u>NAY</u>
MATT BIXLER	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
DAN DELISI	<u>NAY</u>
RONALD INGE	<u>ABSENT</u>
GORDON REIGELMAN	<u>AYE</u>
	<u>                    </u>



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

DATE OF TRANSMITTAL HEARING: June 25, 2003

- A. **BOARD REVIEW:** Staff gave a brief presentation and the applicant addressed the Board. One commissioner stated that through it's own appraisal, the State had made it difficult for the board to deny transmittal. Another Commissioner asked about the affordable housing agreement between the applicant and the University. Larry Warner explained that the applicant could offer pre-sale arrangements to the University which could then sell units to University faculty members.

Heather Stafford of the Florida Department of Environmental Protection stated that the State is working with the applicant towards the acquisition of a portion of the 60-acre parcel. The County Attorney stated that the sale of the property could be limited by the State's own appraisals. A commissioner then mentioned that the Board was getting involved in things beyond it's purview and that planning staff and the Local Planning Agency had recommended not to transmit the proposed amendment.

The commissioner also stated that there were many issues that were not being addressed by the Board during the meeting. He asked staff what the main reasons were for recommending not to transmit the proposed amendment. Staff replied that Pine Road is a sub-standard road, the proposed amendment would add additional traffic onto US 41, that the proposal would double density in environmentally good habitat, and that there has been no demonstration of need for additional urban land in the County. The applicant stated that the proposed amendment would allow the land to be developed in a much more environmentally-friendly manner than it would be without the measures included in the proposed language.

A Commissioner moved to transmit the proposed amendment with the understanding that if it was adopted, it would require water and sewer service with no septic tanks at whatever density it is developed. Another Commissioner stated that implicit in the motion was that the property should include the Planned Development process if developed at higher than one unit per acre, that utilities would be mandatory at all densities, and that any development would be clustered with the balance of the land going into preservation. One Commissioner stated that he could not support the applicants proposal because the Staff recommendation was not to transmit.

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

1. **BOARD ACTION:** The Board of County Commissioners voted 3-2 to transmit the proposed Future Land Use Map amendment along with the following language modifications:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not

permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/ Estero Area must connect to a central sanitary sewer system if residential development is pursued on the property. In addition, if residential density in excess of 1 dwelling unit per acre is proposed, clustering must be utilized to enhance open space, buffers and to provide for an appropriate flow way. Compliance with the clustering standard must be demonstrated through the use of a planned development zoning district

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The majority of the Commissioners stated that the proposed amendment would allow the subject property to be developed in a more responsible and environmentally friendly manner.

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>ANDREW COY</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>NAY</u>
<b>DOUG ST. CERNY</b>	<u>NAY</u>



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

DATE OF ORC REPORT: September 5, 2003

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

DCA staff found the proposed change to the Outlying Suburban future land use category to be unsuitable for the following three reasons:

***Suitability issue:*** *The proposal is to change the land use designation on a 60-acre site located in the vicinity of Pine Road and U.S. 41, from Rural (1 dwelling unit per acre) to Outlying Suburban (3 dwelling units per acre but limited by policy to a density of 2 dwelling units per acre). This proposed designation of Outlying Suburban appears unsuitable for this site for a variety of reasons:*

*Firstly, the site is adjacent to the Estero Scrub Preserve, on the west and southwest, a state-owned conservation area; increased density will result in a greater amount of run-off from the site with the potential to adversely impact the Scrub Preserve.*

*Secondly, although, the amendment includes a policy requiring clustering if development on the site exceeds 1 dwelling unit/acre, it has not been demonstrated, through adequate data and analysis, how development activities on the site will occur, at the proposed density with clustering, without jeopardizing the protection of threatened and endangered species that may inhabit the site since the proposed clustering provision does not include the implementation guidelines and criteria that must be followed by the developer. For example, the amount, nature, and type of open space that will be set aside to ensure minimal impact on the adjacent preservation area as well as the scrub habitat on the site and the species that inhabit it are not specified in the plan. In the absence of this type of guidance, the clustering policy is vague and cannot be relied upon to ensure the protection of natural resources. Thus, with respect to natural resource protection, the amendment appears to be inconsistent with Lee Plan's Objective 77.1, 77.3, and 77.4, and policies 77.2.10, 77.3.1, 77.4.1, and 83.1.5 regarding the protection of environmentally sensitive areas, endangered and threatened species and their habitat.*

*Thirdly, although, according to the supporting documentation, only a very small portion of the site is located within the Coastal High Area, Lee County's emergency management staff believes that the evacuation time of this site may be necessary in the event of a category 2 hurricane, and flooding could occur because the natural ground elevation on this tract of land is between 8 feet and 10 feet which is very vulnerable to storm surge and freshwater flooding associated with storms. Should evacuation of the site be necessary, the increased density would essential double the demand for shelter space originating from the site. Double the number of evacuating people and add 2.4 minutes to the hurricane evacuation time, with U.S. 41 as the only route. This is important since according to Lee County's Transportation Staff, U.S. 41 is projected to operate at a level of service standard of F by 2020, even with all of the planned transportation improvements completed. The additional number of trips will exacerbate the situation.*

*Chapter 163.3177(2), (6)(a), (d), (9)(b), Florida Statutes; Rule 9J-5.003(90), 9J-5.005(2)(a), (5), & (6); 9J-5.006(2)(a), (b), (3)(b)1., (3)(c)3., & 6.; Rule 9J-5.011(1)(f)1.; 9J-5.012(3)(c)1.; 9J-5.013(1)(a)5., & 4., (2)(c)5., 6., & 9., Florida Administrative Code.*

DCA staff recommend that the applicant demonstrates with adequate data and analysis that the increased density will not adversely affect the adjacent Estero Scrub Preserve. Also show how the proposed development will occur at the site at the proposed density without jeopardizing the protection of threatened or endangered species that may inhabit the site. Further, revise the proposed clustering policy to specify the type and amount of open space that will be set aside. Provide data and analysis showing how the amount of open space for preservation is related to the protection of natural resources.

## **B. STAFF RESPONSE**

Subsequent to the release of the ORC Report, Staff met with the applicant and their representatives on several occasions. It should be noted that the property owner for this amendment has changed from the original applicant. Just prior to the Transmittal Hearing the property was sold. The new owners have a fairly specific plan for development of the property. The plan should adequately address the objections raised in the ORC Report. However, as this is a comprehensive plan amendment and not a Planned Development zoning case, it is very difficult to "condition" assurances that this plan of development will in fact actually occur. Staff worked closely with the new applicant and now has proposed language that, while not absolute, gives sufficient assurance.

The revised plan of development, see attachment 7, further defines the clustering of development. The site is broken into three basic areas. The developed area is located in the northwest quadrant and is limited to  $\pm 31$  (thirty one) acres. The slough preserve area is in the northeast quadrant and contains some  $\pm 5$  (five) acres. The third area is located in the southern portion of the property and contains  $\pm 25$  (twenty five) acres. This area is dedicated as a preserve and abuts existing Aquatic Preserve Buffer property on three sides. This portion of the property is intended for sale to the State, the County, or another conservation entity. Staff believes that the proposed language for Policy 1.1.6 and footnote 6 of Table 1A provides adequate assurance that this plan, or one very similar to it, will eventually occur:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

### **1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:**



- a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property shall be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

Table 1 (a)  
SUMMARY OF RESIDENTIAL DENSITY<sup>1</sup>  
(No Change to the Table 1 (a))

CLARIFICATIONS AND EXCEPTIONS

(No Change to footnotes 1 through 5)

<sup>6</sup> In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (see Goal 17), the maximum density shall be 2 du/acre.

(No change to footnotes 7 through 11)

The newly amended language provides the following assurances to Lee County:

- A commitment to clustering the housing units in the north half of the subject parcel;
- Preservation of the open space in the southern half of the subject parcel;
- Preservation of the slough system crossing the eastern half of the subject parcel;

- Use of sewer services for the subject parcel instead of septic tanks; and,
- Use of central water system instead of individual wells.
- A commitment by the owner to pursue the sale or transfer of the preserve/open space area to the State, County, or other conservation entity

Staff believes that the amended language is a vast improvement over past proposals for the subject parcel by this and previous applicants. When the subject property was originally proposed for a Future land use map change, the proposed density was for three units per acre. In addition, there were no provisions for how the property would be developed. Central sewer and water service were not required. Nor was there any measures proposed to address preservation and conservation concerns. Therefore, planning staff recommend that the Board of County Commissioners adopt the proposed amendment with the amended language.



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

DATE OF ADOPTION HEARING: October 23, 2003

**A. BOARD REVIEW:**

Planning staff gave a brief presentation stating that staff had changed its recommendation from denial to adoption of the proposed amendment. In response to a commissioners question, staff stated that the County cannot require the State to purchase the subject property. Staff stated that the Department of Environmental Protection wanted to acquire the property and that the DEP had already acquired an abutting 10-acre tract. This would leave the subject property surrounded on three sides by the DEP-owned Estero Aquatic Preserve. A commissioner asked if the Department of Community Affairs would agree to this change. Staff responded that the DCA took part in several of the negotiations concerning the proposed language and that the applicant had prepared a document that addressed all of the DCA's concerns. The applicant then gave a brief presentation. The applicant stated that multiple reviews by environmental consultants have shown that there is no scrub habitat or endangered species on the property. Staff then suggested some minor changes to the proposed language, substituting "will" for "shall" and using the "±" symbol before the acreage amounts in paragraph 1.b. The proposed language, including the changes suggested by staff during the adoption hearing, is as follows:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:**

**a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.**

**b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning**

process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

**Table 1 (a)**

**SUMMARY OF RESIDENTIAL DENSITY<sup>1</sup>**

**(No Change to the Table 1 (a), One change to the footnotes of Table 1 (a))**

**CLARIFICATIONS AND EXCEPTIONS**

**(No Change to footnotes 1 through 5)**

<sup>6</sup>In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (see Goal 17), the maximum density shall be 2 du/acre.

**(No change to footnotes 7 through 11)**

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

**1. BOARD ACTION:**

The board moved to adopt the proposed amendment with the language submitted by the applicant after the transmittal hearing and amended by staff.

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

The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

**JOHN ALBION**

Aye

**ANDREW COY**

Absent

**RAY JUDAH**

Aye

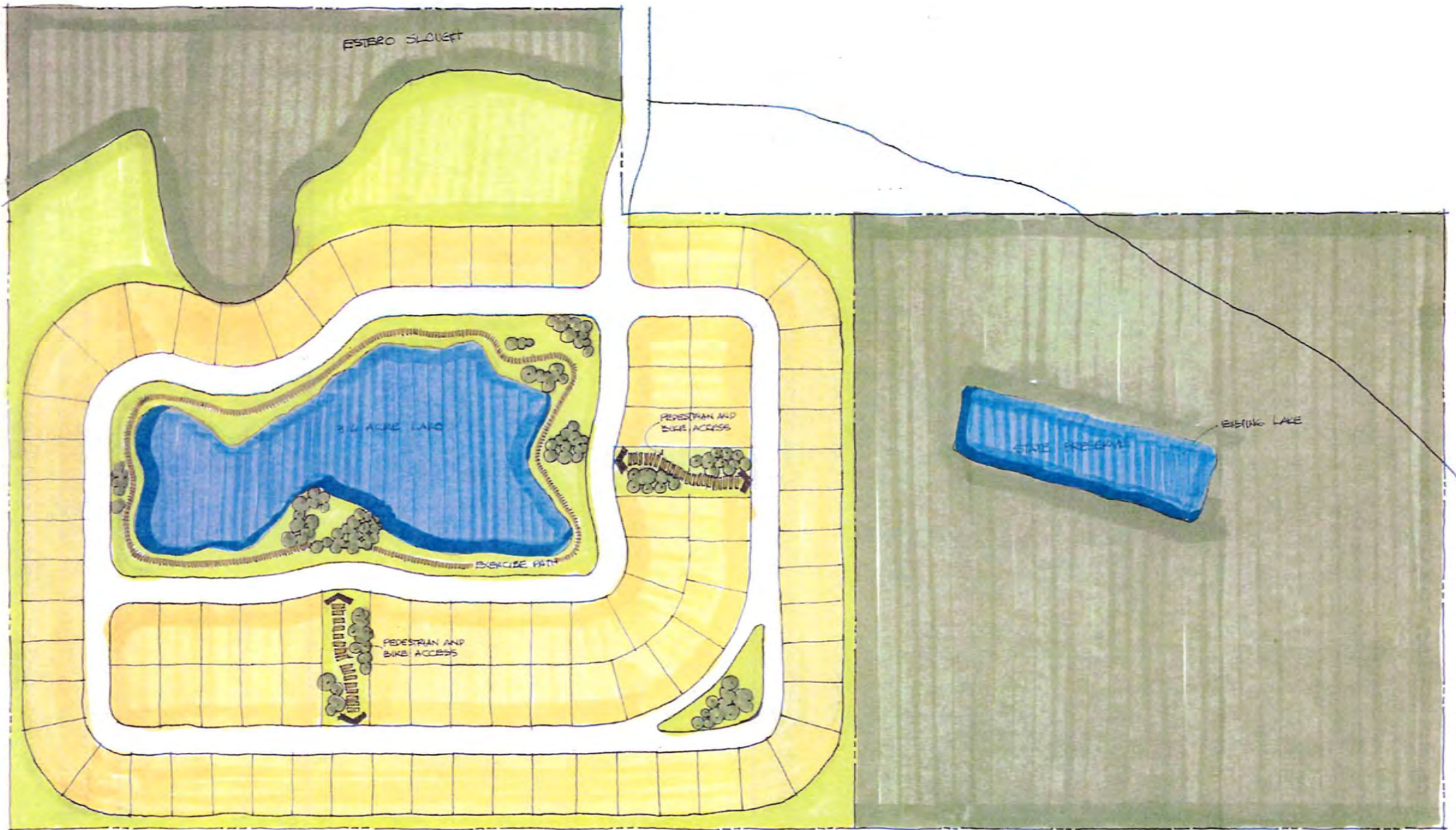
**BOB JANES**

Aye

**DOUG ST. CERNY**

Aye





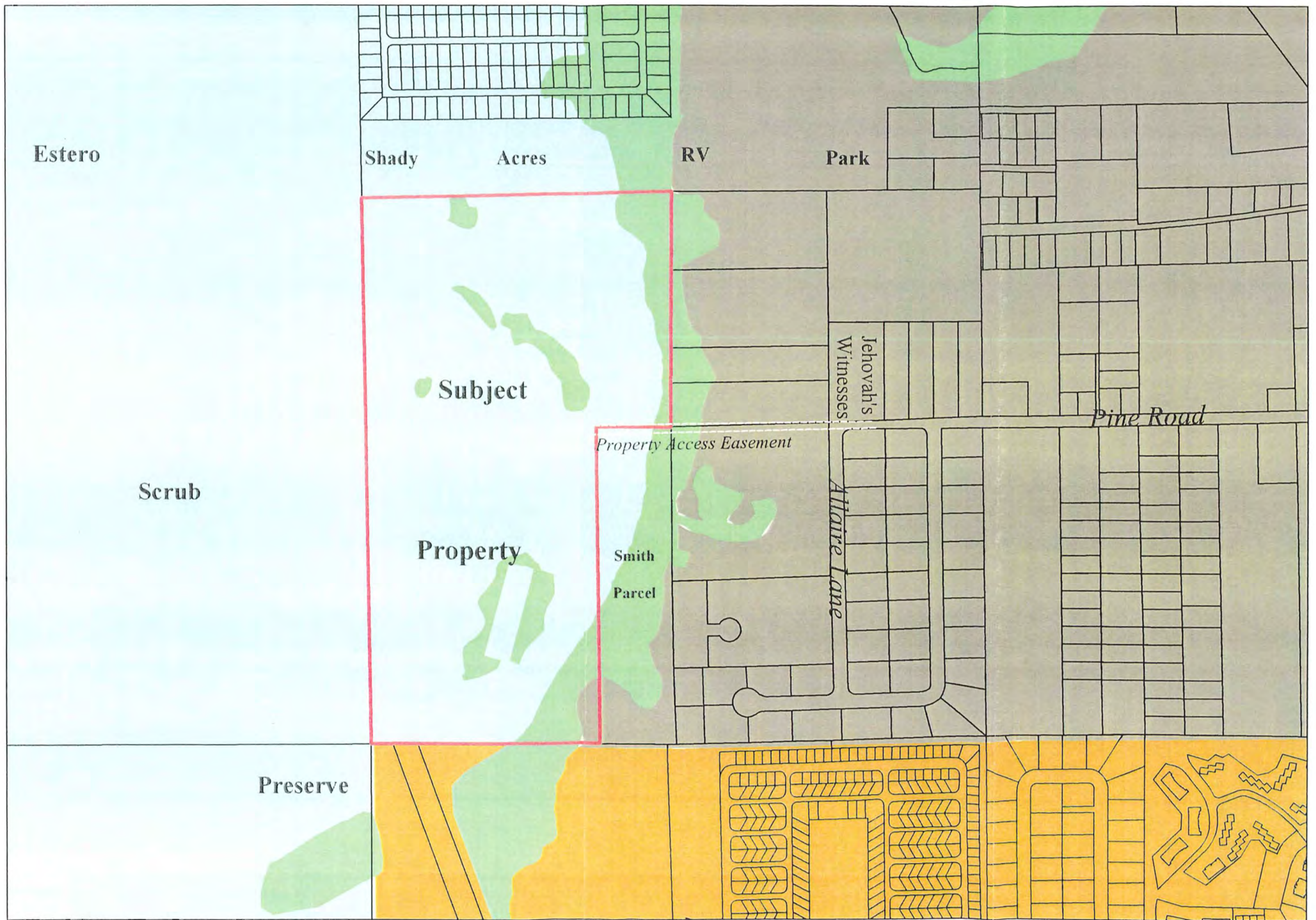
WARNER ARCHITECTS, INC  
761 TWELFTH AVENUE S. NAPLES, FL

ESTERO COMMONS

PRELIMINARY SITE PLAN 8-6-03  
90 SINGLE FAMILY DETACHED UNITS.



CPA2002-02  
Current Future  
Land Use Map

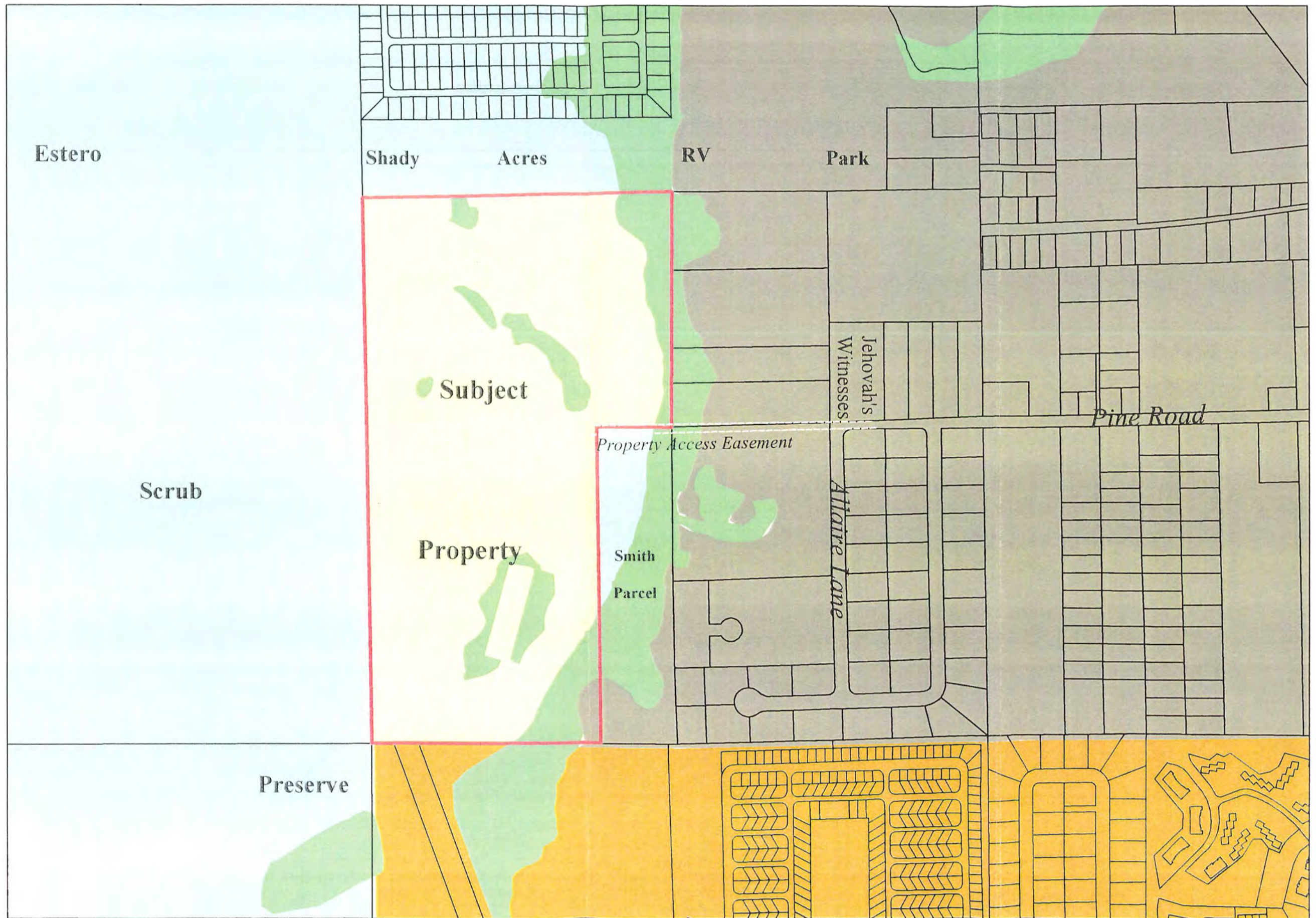


A horizontal number line is shown with tick marks at 0, 150, 300, 600, 900, 1,200, and 1,500. The word "Feet" is written at the right end. The line is divided into segments by vertical lines at each tick mark. The segments are colored in an alternating pattern: the first segment (0-150) is white, the second (150-300) is black, the third (300-600) is white, the fourth (600-900) is black, the fifth (900-1,200) is white, and the sixth (1,200-1,500) is black.

**Attachment 1A**



CPA2002-02  
Proposed Future  
Land Use Map



**FLUM  
Designations**

- Rural
- Suburban
- Urban Community
- Wetlands
- Outlying Suburban

0 150 300 600 900 1,200 1,500  
Feet

Attachment 1B

Map created February 6, 2003



**Attachment 2:**  
**Memorandums and Communications**  
**from Lee County Service Providers**



Jeb Bush  
Governor

## Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

David B. Scrubs  
Secretary

April 2, 2003

Mr. Larry Warner  
Warner Architects  
761 12<sup>th</sup> Avenue South  
Naples, Florida 34102

Dear Mr. Warner:

I am writing you this letter to confirm our understanding of a proposal you have offered to the Department of Environmental Protection (Department). This proposal is for you, the Department and Lee County to jointly acquire approximately sixty acres of land located in Lee County that is presently owned by A.P. DeSalvo, Trustee.

The verbal agreement you and I reached by phone is as follows: the Department will pay \$800,000 of the purchase price, with Lee County government paying an additional \$200,000 of the purchase price, and you, as the developer, paying \$1,000,000 of the remaining purchase price for a total purchase price of \$2,000,000. Additionally, any further agreement entered into between you, the Department and/or Lee County shall reflect that the state receive title to approximately 40 acres of environmentally sensitive lands and you, as the developer, will receive approximately 20 acres of uplands from the total 60 acres. Furthermore, as part of this same deal, you have also agreed any dwellings you, your agents or successors in interest will build upon your portion of this land will be first offered for rent or purchase to students, faculty or staff of Florida Gulf Coast University.

You acknowledge that while you and I agree in principle to the aforementioned, the Department can in no way guarantee that the Governor and Cabinet will approve this land transaction. The Department, as staff to the Governor and Cabinet, can only agree to negotiate a contract with you in good faith reflecting the deal outlined above and to bring said agreement to the Governor and Cabinet with the goal of its approval.

Thank you for your time and for bringing this innovative public-private land acquisition partnership to the table.

Sincerely,

Bob Ballard  
Deputy Secretary

BB/r

"More Protection, Less Process"

Printed on recycled paper.





**LEE COUNTY**  
**SOUTHWEST FLORIDA**

**BOARD OF COUNTY COMMISSIONERS**

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

John E. Manning  
District One

**February 26, 2001**

Douglas R. St. Cerny  
District Two

**Mr. Paul O'Conner**

Ray Judah  
District Three

**Director, Division of Planning**

**P.O. Box 398**

Andrew W. Coy  
District Four

**Fort Myers, FL 33902-0398**

John E. Albion  
District Five

**RE: Your request for review of PAM 98-06 and CPA 2000-03**

Donald D. Stilwell  
County Manager

**Dear Mr. O'Conner:**

James G. Yaeger  
County Attorney

**Emergency Management has reviewed the referenced documents. The results of our review are enclosed.**

Diana M. Parker  
County Hearing Examiner

**If you have questions, please contact me at 477-3614.**

**Sincerely,  
DIVISION OF PUBLIC SAFETY  
Emergency Management Program**

**John M. Campbell  
Chief of Planning**

**2 encl.**

LEE COUNTY  
RECEIVED  
01 FEB 26 PM 1:45  
CON'L. DEV.  
PUB. WORKS. CNTR.  
SECOND FLOOR

**ATTACHMET 2A**

**MEMORANDUM**  
**FROM THE**  
**DIVISION OF PUBLIC SAFETY**  
**EMERGENCY MANAGEMENT**

DATE: February 20, 2001

TO: Paul O'Connor  
Director, Division of Planning

From: John M. Campbell  
Chief of Planning  
Emergency Management

**REVIEW AND RECOMMENDATIONS**

**Project:** PAM 98-06 Change 60 Acres from Rural to Outlying Suburban Designation  
**Request:** Rural to Outlying Suburban, PAM 98-06  
**Location:** 4800 Pine Road, Estero (STRAP # 20462501000090000)  
**Applicant:** Estero 60 Acre Land Trust  
**Agent:** Bob Thinnies: O. Grady Minor & Associates

**1. HURRICANE VULNERABILITY**

According to the National Weather Service's storm surge model "SLOSH" which reflects a composite of maximum extent of flooding that may be caused for each hurricane category, this site is subject to storm surge flooding as shown below:

<u>Category of Hurricane</u>	<u>Sustained Wind (MPH)</u>	<u>SLOSH Surge Height Landfalling/Exiting</u>	
Tropical Storm	39 - 73	Dry	Dry
Cat. 1	74 - 95	Dry	Dry
Cat. 2	96 - 110	12.4	Dry
Cat. 3	111 - 130	16.5	10.8
Cat. 4/5	131 - 155	23.1	14.4

Evacuation of this site may be necessary prior to landfall of a category two (2) hurricane. The saltwater storm surge height could be approximately 12.4 feet above Mean Sea Level (MSL) from a land falling category two (2) hurricane. Flooding could occur because the natural ground elevation in this tract of land is between 8 and 10 feet. Storm surge flooding depth on this site could average 3 feet with the landfall of a category two (2) hurricane. It should be noted that this information does not take into account the freshwater flooding that could occur from rainfall usually associated with these storms. The property is shown on the National Flood Insurance Rate Map (FIRM), Community Panel 125124 0455 B to be in flood zone A-14 with a first floor elevation of 11 feet required. Should it become necessary to evacuate the proposed location, either due to flooding or hurricane winds, or a combination of both, the associated impacts on evacuation time and shelter space are calculated below:

**Hurricane Vulnerability Continued**

(Note: Computation of shelter impact and evacuation route impact is based on Lee County Ordinance Number: 00-14, Land Development Code, dated July 27, 2000 for the year 2020 build-out and corresponding number of occupants per household of 2.09. The number of vehicles per household is estimated at 1.1 based on the 1995 SFRPC Hurricane Evacuation Study.)

**52 single family Dwelling Units (DU) allowed under current rural designation:**

52 DUs X 2.09 people/unit = 109 people evacuating

52 DUs X 1.1 vehicles/unit = 58 evacuating vehicles

The Lee Plan, policy 79.2.1 establishes the number of evacuating people at 21 percent of the population at risk. Lee County public shelter standards are defined as twenty (20) square feet per person. Shelter space requirements based on these criteria are calculated below.

109 people X 21% = 23 people seeking shelter

23 people X 20 square feet = 460 square feet of shelter space is required to mitigate this number of dwelling units in this development.

**104 Dwelling Units (DU) proposed under the amended text for the Outlying Suburban designation: All figures above will be doubled:**

218 people evacuating

115 vehicles evacuating

46 people seeking shelter

920 square feet of shelter space

The ultimate point restricting evacuation is U.S. Highway 41, which has an evacuation capacity of 2,891 vehicles per peak hour level of service. The impact of an addition of 115 vehicles as proposed under the amended text is calculated below:

115 vehicles divided by 2891 vehicle/peak hour x 60 minutes = 2.4 minutes additional time added to the exiting evacuation time.



**Hurricane Vulnerability Continued**

**2. Emergency Medical Service**

The proposed development site is within the area of jurisdiction in which the Lee County Emergency Medical Service (EMS) provides service. The Lee County EMS is a State licensed advanced life support (ALS) provider and operates under the provisions of chapter 401 of the Florida Statutes.

Response time cannot be guaranteed due to any number or a combination of environmental and operational factors. Additionally, the absence of maps showing ingress and egress route makes it impractical to estimate response times. However, the average EMS response time for the San Carlos area is currently six (6) minutes. It is estimated that the amended build out population of 218 people will generate an additional 27 calls annually for EMS resources.

**3. Fire Protection**

This site is within the service jurisdiction of the Estero Fire District.

**4. Hazardous Material Management**

If the developer/end user decides to store hazardous materials on this property, procedures must be established for notifying local and State officials if a release occurs.

**5. Recommendations**

The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.

**A. General Hurricane Mitigation**

1. The Applicant shall initiate the establishment of a homeowner's or resident's association. The organization shall provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness seminars. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards. (Reference

**Recommendations Continued**

Goal 71, Objective 71.1, Policy 71.2, Goal 79, Objective 79.1, 79.1.1, Goal 80, Policy 80.1.3; Lee County Comprehensive Plan – 1999)

- 2 The applicant is required to comply with Lee County Ordinance 00-14, Land Development Code, dated July 26, 2000, Article XI, section 2-481, as it applies to mitigation for the development impacts on emergency public shelters and evacuation routes. Mitigation options must be selected and approved by the Director of Public Safety prior to award of a Development Order.

**B. Emergency Medical Service**

1. The applicant shall provide for the emergency medical service impacts generated by the proposed development as defined by the Lee County Development Code Chapter Two, Division 5. (Reference Goal 43, Objective 43.2, Policy 43.3.2; Lee County Comprehensive Land Use Plan – 1999)
2. If access to this development is through a security gate or similar device, which is not manned twenty-four hours a day, it must be equipped with an override switch installed in a glass-covered box to be use by drivers of emergency vehicles to gain entry.

**C. Fire Protection**

The applicant shall provide for the fire protection impacts generated by the proposed development as defined by the Lee County Development Code, Chapter Two, Division 5. (Reference 43, Objective 43.2.2; Goal 45, Objective 45.3, 45.3.2, Lee County Comprehensive Land Use Plan – 1999).

**References:**

Lee County Comprehensive Land Use Plan – 1999

Lee County Land Development Code, Ord. 00-14 – 2000

Hurricane Behavioral Analysis For Lee County – 1991

SWFLA Regional Hurricane Evacuation Plan – 1995

Super Fund Amendments and Reauthorization Act – 1986

Administrative Code AC 7-7 - 1998

98-06

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

LEE COUNTY  
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98 OCT 20 AM 9:25

Writer's Direct Dial Number: 335-1604

COMM. DEV./  
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W. W. Coy  
Four  
  
E. Albion  
Five  
  
D. D. Stillwell  
Manager  
  
G. Yaeger  
Attorney  
  
M. Parker  
Hearing  
ner

October 15, 1998

Bob Thimes, AICP  
Q. Grady Minor & Associates. P. A.  
3800 Via Del Rey  
Bonita Springs, Florida 34143

Re: Letter of Adequacy / Availability for Parcel  
Strap No. 20-46-25-01-00009.0000, 4800 Pine Road 60 ± acres

Dear Mr. Thimes:

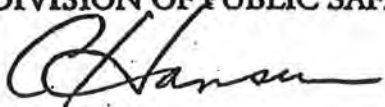
If the above named parcel is changed to outlying suburban from rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit / 3 dwelling units per acre). The residents could generate 45 calls annually for EMS resources.

Without a site plan showing ingress / egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances / personnel are acquired according to current budgetary plans.

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

Respectfully submitted,

DIVISION OF PUBLIC SAFETY



H.C. "Chris" Hansen  
EMS Program Manager

cc: Chief Ippilito, San Carlos Park FD  
Matt Noble, County Planning  
DPS Administration

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# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102

To: P. Blackwell

JEANNE S. DOZIER  
CHAIRMAN • DISTRICT 2

ELINOR C. SORICCA, Ph.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, Ph.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

February 26, 2003

Mr. Paul O'Connor, AICP  
Director, Division of Planning  
P. O. Box 398  
Ft. Myers, FL 33902

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, PAM CPA 2002-02, Pine Road

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposal is a FLUM amendment to a change from Rural to Outlying suburban on 60 acres with a maximum density of 2 units per acre.

This proposal would permit the addition of 120 dwelling units. These units could generate approximately 37 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to two classrooms in the District along with ancillary facilities and staff.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Construction and Planning

LEE COUNTY  
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03 FEB 27 AM 8:56  
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SECOND FLOOR

# MEMORANDUM

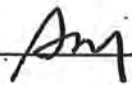
from the  
TRANSIT DIVISION



**Your Ride Is Here.**

**DATE:** February 20, 2003

**TO:** Paul O'Connor, AICP

**FROM:** Steve Myers 

**RE:** CPA 2002-02 – Privately Initiated Lee Plan Future Land Use Map Amendment

Lee Tran staff has reviewed the above referenced Lee Plan amendment and has determined that the proposed amendment to the future land use map would have no impacts on existing or planned services Lee Tran provides, nor would it have any impact to the budget of Lee County's transit division.

If you have any further questions regarding this amendment, please call me at 277-5012.

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03 FEB 21 AM 11:13

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# Memo

LEE COUNTY  
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COMM. DEV/  
PUB. WORKS. CNTR.  
SECOND FLOOR

**To:** Paul O'Connor, AICP, Planning Director  
**From:** John D. Wilson, Director, Division of Public Safety  
**Date:** February 13, 2003  
**Subject:** CPA 2002-02



As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4.

The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not inconsistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would also remove this acreage from the amount the county currently receives credit for this particular activity.

In and by itself, the requested density increase would not jeopardize the twenty percent discount rate that flood insurance policy holders in the 100 year flood plain currently enjoy as a result of the county maintaining programs that mitigate flood disaster potential. However, continued incremental zoning density increase such as these could impact the amount of credit we receive for low density zoning in the future.

Enclosure

JDW:cmm

cc: Michael, Bridges, Deputy Director  
David Saniter, Emergency Programs Manager



March 14, 2003

Peter Blackwell, Planner  
Lee County Department of  
Community Development  
Division of Planning  
P.O. 398  
Fort Myers, Florida 33902-0398

RE: Estero 60 CPA 2002-02

Dear Peter:

As you requested, we have evaluated the Estero 60 CPA 2002-02 site for its Hurricane Evacuation Zone designation based on the most recent National Hurricane Center Storm Surge Model call Sea Lake and Overland Surges from Hurricanes (SLOSH) and the most recent 2001 Southwest Florida Regional Hurricane Evacuation Study Update produced by the Southwest Florida Regional Planning Council. The site is in the Hendry Creek 1,2,3 Hurricane Evacuation Zone as shown on Map 3 (see Attached) page II-B-7 of the Lee County Landfalling Section. A close evaluation of the grid square map from the SLOSH model print out for this site shows that a Category 1 landfalling hurricane will produce a 7.4 foot storm tide. Any land area on the site below 7.4 feet will be included in the Coastal High Hazard Area (CHHA) as defined by Chapter 9J-5.003 Florida Administrative Code, which defines the CHHA as the Category 1 hurricane evacuation zone established by the SWFRPC Hurricane Evacuation Study. Therefore, because the site ranges from 6.2 to 7.8 feet we must conclude that the average elevation of the site is in the CHHA. If you have any questions, please let me know.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Daniel L. Trescott  
Principal Planner

cc: Bernad Piawah, DCA/BLP  
John Wilson, Lee County Public Safety Director

# interoffice

## MEMORANDUM

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**to:** Peter Blackwell  
**from:** Michael Carroll  
**subject:** CPA2002-00002  
**date:** March 14, 2003

The Estero 60 Land Trust has requested an amendment to the Comprehensive Land Use Plan to change the designation of 60+/- acres beyond the west end of Pine Road in the San Carlos Park area. They have requested a change from Rural to Outlying Suburban with a maximum density of two units per acre. If the change were to be approved the maximum number of homes would increase from 60 to 120.

With the change to a maximum of 120 single family homes we would expect to see 1,226 trips per day or an increase of 578 in daily traffic, 103 trips per hour in the am peak hour or an increase of 42 trips/hour, and 126 trips per hour in the pm peak hour or an increase of 58 trips/hour. Pine Road intersects U.S. 41 about 240' north of the intersection at the Vintage Pkwy/Breckenridge Rd/US 41. The Pine Road intersection has no median opening and is therefore limited to right-in/right-out movements. U-turn movements are made at Vintage Parkway for those trips headed north at a median opening about 420' to the north. U-turn movements will increase whenever the property is developed under either land use designation

U.S. 41 provided Level of Service C during the 100<sup>th</sup> highest hour and it is estimated that LOS D was provided in 2002. If all projects and building permits that have been approved are constructed and generate traffic as expected the Level of Service will eventually fall to F. This section of U.S. 41 will be the last to be widened to six lanes. Lee County has loaned gas tax money to FDOT to advance the design work on this section and the purchase of additional Right-of-Way is tentatively funded in the 2006/2007 fiscal year.

**Q. GRADY MINOR & ASSOCIATES, P.A.**  
**Civil Engineers ■ Land Surveyors ■ Planners**

---

Q. GRADY MINOR, P.E.  
MARK W. MINOR, P.E.  
C. DEAN SMITH, P.E.  
DAVID W. SCHMITT, P.E.  
MICHAEL J. DELATE, P.E.  
NORMAN J. TREBILCOCK, A.I.C.P., P.E.  
MATTHEW J. HERMANSON, P.E.

D. WAYNE ARNOLD, A.I.C.P.  
ROBERT "BOB" THINNES, A.I.C.P.  
THOMAS J. GARRIS, P.S.M.  
STEPHEN V. BURGESS, P.S.M.  
MICHAEL L. HARMON, P.S.M.  
ALAN V. ROSEMAN

October 17, 2003

Mr. Paul O'Connor, AICP, Director  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: ORC Response; CPA-2002-02 (DCA No. 03-2); Estero 60 Acres; Lee County, Florida

Dear Mr. O'Connor:

We have prepared this response with additional data and analysis to the Florida Department of Community Affairs (DCA) Objections, Recommendations, and Comments report (ORC), dated September 5, 2003, relating to CPA-2002-02. The ORC report issued by the DCA objects to the proposed 60-acre plan amendment and cites three findings as a basis for the objection. First the DCA cites that increased densities on the property will result in a greater amount of run-off from the site with the potential to adversely impact the Estero Scrub Preserve. Second, the commitment to cluster development on the site did not adequately address the areas to be preserved through the use of clustering, or implementation guidelines. Third, the DCA mentions concern over the potential of doubling the density on the property and the impact on hurricane evacuation times along U.S. 41.

The DCA did recommend that additional data and analysis should be provided to demonstrate how the stated concerns could be addressed on the site. This correspondence, and attachments, provides additional data and analysis, which addresses the DCA's stated objection and recommendations to the proposed amendment.

In response to the recommendations found in the ORC report, and after continual dialogue with the respective staffs of the DCA, Southwest Florida Regional Planning Council, and Lee County, the applicant has modified the proposed Lee Plan text amendment to more specifically address the clustering provisions. The amended text provides for clustering implementation guidelines, and preservation area size and location commitments, in addition to requirements to provide water and sewer services to the property. The amended text is as follows:



**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, the property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.**

**A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed 35 acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property shall be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.**

<sup>6</sup> In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); **Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area;** and in the Buckingham area (see Goal 17), the maximum density shall be 2 du/acre.

The proposed text amendment limits residential density on the subject property to a maximum of two dwelling units per acre, and provides specific development standards that must be met, which will result in clustered residential development and preservation of nearly one-half of the property as preserve/open space, if development occurs at any density greater than that permitted under the current land use plan designation. We submit with the revised Lee Plan text, and the additional supporting data and analysis which has been provided, the amendment is a logical land use change and should be supported for a variety of reasons. A summary of some of the basis for support are listed below:

1. The property is located immediately adjacent to Urban designated lands and the existing land use pattern is clearly not rural or agricultural in nature. The change to Outlying Suburban with an additional density restriction is a logical land use pattern.
2. The property is within the service area for Lee County potable water and sanitary sewer service.
3. The development intensity and impacts to existing uplands resulting from the proposed clustered development is reduced over that permitted under its current rural agricultural designation and zoning, which permits intensive agricultural operations, churches and schools, without restriction as to preservation of native habitats. The clustering provisions specifically require development only on the northwestern portion of the site, and preserve the slough and lands adjacent to the Estero Buffer Preserve.
4. Off-site surface water discharges to the nearby Estero Bay and its surrounding preserve are reduced by over 40% by the use of clustering techniques, rather than that which may occur under the current permitted rural land uses and residential densities of one dwelling unit per acre over the entire property.
5. A listed species survey indicates that the gopher tortoise is the only listed species inhabiting the site, and with the clustered development scenario, can be successfully relocated in accordance with an approved management plan.

6. Hurricane evacuation and risk to residents during storm events are not exacerbated under the proposed amendment due to clustered development on the upland portion of the site, where land elevations are above the thresholds for Category 1 storm surge.
7. The amendment does not impact the current level of service standard on U.S. 41.

The subject 60 acre property proposes to amend the Lee County Future Land Use Map to change the future land use designation from rural to outlying suburban, with a density cap of two dwelling units per acre. The site is located at the terminus of Pine Road. The property currently has the land use designations: rural, urban and wetlands. Properties immediately to the east and south are developed with a church, single-family homes and recreational vehicles at approximately three to eight dwelling units per acre.

The prevailing pattern of adjacent and surrounding suburban and urban developments can be clearly seen in the aerial photo accompanying the plan amendment. These properties are designated suburban and urban. Based on existing and future land uses, the subject property is not "rural" in nature. A review of the Lee Plan Future Land Use Map (attached) also demonstrates a significant land use relationship near Estero Bay. The subject property consisting of 60± acres and a small area north of the property represents the only rural designated lands around Estero Bay. Areas north of Coconut Road are designated outlying suburban, areas near Alico Road are designated suburban and urban. These land use designations, having similar proximity to Estero Bay, permit residential densities up to 200% greater than that proposed by this amendment. The subject property is located approximately one-half mile east of Estero Bay and is separated from the Bay by the Estero scrub preserve, which was purchased as a buffer to Estero Bay. The proposed plan amendment is consistent with the Lee Plan designation of similarly situated properties and because of the further limitation to two dwelling units per acre, will represent one of the least intensive land use categories in and around Estero Bay.

The Lee Plan in Policy 1.4.1 states that rural areas are to remain predominantly rural—that is low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The site is located within the service area of Lee County for potable water and sanitary sewer. Water service is available to the site at Pine Road. Sewer service is available at U.S. 41, approximately ½ mile east of the subject property, and will be extended to the site to support clustered residential development.



The pattern of nearby development is clearly not rural in nature. Furthermore, potential conversion of the site to any number of active agricultural land uses permitted by right under the current Rural land use designation, and AG-2 zoning could have greater potential for negative environmental and compatibility issues with surrounding properties. Other non-agricultural uses permitted in the AG-2 zoning district and in the Rural designation include:

1. public schools,
2. places of worship (churches),
3. communication tower,
4. home care facility,
5. park,
6. residential dwellings, including mobile homes, and conventional single-family

We believe that the DCA did not adequately consider the potential environmental impacts associated with the permitted large-lot residential use and agricultural use of the subject property in its initial recommendation. Further, we do not believe, that given the surrounding pattern of residential development and a future land use designation that permits additional residential development, that the most compatible land use relationship is that of intensive agricultural use. Farming operations are not restricted with respect to noise, odors, or hours of operation and could be deemed incompatible with nearby urban development. We believe that the most appropriate land use designation is the proposed Outlying Suburban category, with the density limitation at two dwelling units per acre. This designation will permit low density residential development on the subject property consistent with the surrounding land use pattern, and provide the opportunity to provide the environmental protection measures outlined below in our discussion of environmental site issues.

Below, we have addressed the key points of objection raised by the DCA:

1. **The increase density will result in increased run-off from the site and thereby potentially adversely impact the adjacent scrub preserve.**

We disagree with the stated objection. Clustered development on the subject property will result in a reduced allowable discharge from the property compared to the discharge that would result from development on the entire 60 acre site. We have consulted with staff of the South Florida Water Management District regarding the permitted discharge rates for the subject property. The District has indicated that the allowable discharge for this area is 69 cubic feet per square mile (cfm) or 0.1078 cubic feet per second (cfs)/acre. If the entire 60 acres of the site were utilized to

support residential uses, approximately 52 acres would be subject to the design for the overall water management system. Based on the allowable discharge rate, this would result in an allowable discharge from the site of 5.61 cfs.

With a clustered development scenario, whereby the residential component of the property can be clustered on 35 acres or less, the allowable discharge from the site would be 3.77 cfs. The clustered development alternative would reduce the overall discharge from the site by 33%.

This property will be required to obtain a South Florida Water Management District permit for the surface water management system. Additionally, due to the ultimate discharge into Mullock Creek, the water quality treatment that must occur on this site must meet 150% of the normal water quality requirements. This standard will easily be achieved within the lakes and open space areas within the proposed 35 acre development envelope that will constitute the project's water management system.

**2. Demonstrate through adequate data and analysis how development activities will occur through clustering without jeopardizing the protection of threatened and endangered species that may inhabit the site.**

As previously discussed, the clustering policy has been revised to more specifically describe the acreage of the site that may be utilized to support clustered residential development, and how measures through the planned development zoning process will protect the slough system along the eastern perimeter of the site, as well as lands in the southern portion of the property that abut State of Florida owned lands.

An updated species survey has been conducted according to the requirements of Lee County. This information is included as an attachment to this submittal. The survey found signs of gopher tortoise on site. This survey indicated 4 active burrows and 9 inactive burrows in the area proposed for development. The remaining open space area is more than sufficient to support the relocated tortoise population. Since gopher frogs and the Eastern indigo snake are sometimes considered a commensal species with the gopher tortoises, these two species are also indicated as possibly present on the project site. A preliminary management plan for the gopher tortoises is included in the attachment.

It is anticipated that an incidental take permit will be obtained and the gopher tortoises will be relocated out of harm's way to the open space provided in the southwestern portion of the site.



There is a bald eagle nest located south of the project site. This nest is LE 04A. A map is attached that shows the approximate location of the nest in relationship to the project boundaries. This nest appears to be approximately 1200 feet south of the property line, which would extend the secondary buffer zone approximately 300 feet into the southwestern portion of the Pine Road 60 Tract. Under the clustering scenario, no development will be permitted within this buffer zone.

The Big Cypress Fox Squirrel was not observed during the species survey, but some stick nests were found in melaleuca trees. To insure the protection of the Big Cypress Fox Squirrel, the site will be re-surveyed for the Big Cypress Fox Squirrel prior to any development approvals. If signs of fox squirrels are found at that time, a management plan will be implemented that will provide a no construct buffer around the nest until nesting is completed.

No signs of the Florida Black Bear were found on site, but to provide further protection for the species a management plan will be implemented. This plan will include distribution to the homeowners pamphlets with instructions and requirements for refuse containment along with educational material about the Florida black bear protection regulations.

No signs of listed wading birds or wetland dependent species such as the American alligator were observed during the survey. This is not surprising since the wetlands were surveyed during the dry season. The removal of exotics and the enhancement of the slough should maintain suitable habitat for these species after development.

No listed plants were observed during the survey work. Should any listed plants be found during the anticipated future survey work, they will be relocated to the native preserve areas that will be provided on site.

With the implementation of these listed species management activities, the Pine Road 60 project will have no adverse impact on listed species.

#### **COMPREHENSIVE LAND USE DISCUSSION**

**OBJECTIVE 77.1: RESOURCE MANAGEMENT PLAN.** The county shall continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

The proposed land use change is consistent with this Objective. The project has been designed to maintain and enhance the wetland slough system located along the eastern property boundaries. Additionally, approximately 20 acres of contiguous uplands will be preserved through the use of clustering on the subject site. The upland and wetland areas on the site will remain contiguous to other lands owned by the State of Florida as part of the Estero Buffer Preserve.

**POLICY 77.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.**

The proposed land use change is consistent with this Policy. The Estero Scrub Preserve Lands are located to the west and south of the project site. There is a power line easement west of the Pine Road 60 Tract that runs on a northwest to southeast angle. This power line easement crosses the southwestern portion of the Pine Road 60 Tract. On the west side of the project site, the cleared easement is approximately 100 feet in width. An access trail is located west of this easement for that portion of the easement that lies west of the project site.

The cleared easement and access trail have already disturbed and altered the scenic values of the lands to the west of the project site. To further protect the natural character of the adjacent Estero Scrub Preserve, lands immediately adjacent to a portion of the preserve will be set aside as preservation areas through the planned development zoning process. This preservation area will be approximately 25 acres in size.

**OBJECTIVE 77.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.**

The proposed plan amendment is consistent with this objective. The wildlife management activities that will be implemented will protect the listed species that may utilize the project site. The removal of exotics and enhancement of the slough along the eastern portion of the property will provide improved wildlife value and diversity to the system. Additionally, residential development will be clustered on the northwestern portion of the site, allowing for the preservation of the wetland slough on the eastern portion of the site and uplands located to the south. These areas will provided a diversity of habitat for a variety of fish and wildlife species.

**POLICY 77.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.**

The plan amendment is consistent with this Policy. The project will maintain the wetland slough by clustering residential development away from the slough, and the project will include upland buffers adjacent to the slough. A large contiguous upland preservation area of over 20 acres will be provided on the southern portion of the property.

**OBJECTIVE 77.4: ENDANGERED AND THREATENED SPECIES IN GENERAL.**  
**Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.**

By clustering the residential development to the northwestern portion of the property, a large upland area will be set aside as preservation area which will provide for habitat for a variety of wildlife. No endangered species were observed on the site. Enclosed with this response are copies of proposed management plan for the gopher tortoise which is the only threatened species observed on the site.

**POLICY 77.4.1: Identify, inventory and protect flora and fauna indicated as endangered, threatened or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida", Florida Game and Freshwater fish Commission, as periodically updated. Lee county's Protected Species regulations shall be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development. There shall be a funding commitment of one full-time environmental planner to enforce this ordinance through the zoning and development review process. (Amended by Ordinance No. 92-48, 94-30).**

The survey indicated there are no protected, threatened or endangered plant species on the property. The gopher tortoise is the only threatened species observed on-site. At the time of local development approval for any development on the site, the project will be subject to review for consistency with the Lee County Land Development Code requirements, Chapter 10, Development Standards and Chapter 14, Environment and Natural Resources. These Chapters address standards for open space, surface water management, habitat and wildlife protection.



**POLICY 77.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.**

This policy is not applicable. There are no rare or endangered plant or animal species on the site. The management activities that will be implemented will protect the listed species found on the project site. The commitment to cluster development in the northwestern portion of the property will provide for preservation of upland and wetland areas on the site, which do provide habitat for a variety of species.

**Policy 83.1.5: Lee County shall protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.**

This plan amendment is consistent with this policy. The proposed amendment limits wetland impacts to the small isolated melaleuca invaded wetlands, and protects the wetland slough extending along the eastern boundary of the site. Mitigation will be provided for the minimal wetland impacts. These wetlands are not estuarine, mangrove stands, undeveloped tidal creeks or inlets or marine grass beds. The wetlands on the project site are freshwater melaleuca wetlands. The project site is not on a barrier island, a beach or on a dune system. The site does not contain habitat designated as critical habitat for listed species.

As required by SFWMD, a buffer will be designed along the wetland slough system which will be an average of 25 feet in width. The water management system will be designed to maintain historic water table elevations for the site.

**3. Additional vehicular trips associated with a density increase may exacerbate hurricane evacuation time on U.S. 41.**

Based on recent topographic surveys prepared for the property, all but a small portion of the site is located above the Category 1, landfalling hurricane storm surge elevation of 7.4' NGVD. FEMA requirements establish a minimum finished floor elevation of 11', which is within the Category 2 landfalling hurricane storm surge zone. The required building elevations will reduce the risk of flooding and required evacuation for residents. Further, the clustering commitment will assure that residences are clustered on upland areas away from the slough, which will reduce the risk of flooding and required evacuation.

The S.W. Florida Regional Planning Council has reviewed the amendment and concluded that evacuation times would potentially increase by up to 2.4 minutes with the maximum of 120 units on the property. The Regional Planning Council concluded that with clustering and required building elevations above the Category 1 storm surge elevations, that issues associated with hurricane evacuation would be resolved.

Further, the plan amendment is consistent with Lee Plan Policies 79.2.1 and 79.2.2, which address programs to reduce on-site shelter demand for populations at risk in the Hurricane Vulnerability Zone under a Category 3 storm event. Lee County has established an all-hazards MSTU and fee in lieu of for construction of sheltering space. Payment of these required mitigation measures, in addition to clustering dwelling units, and elevating them to FEMA requirements, insure consistency with the Lee Plan and the Strategic Regional Policy Plan.

Lee Plan Policy 80.1.4 also requires new developments of greater than one hundred units within A-zones to formulate an emergency hurricane preparedness plan. Should greater than one hundred residences be built on the subject property, compliance with this Policy will be required.

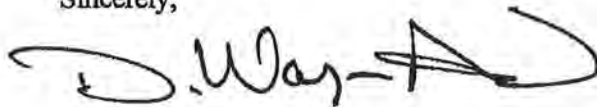
Additional data has been compiled with respect to expressed traffic concerns on U.S. 41 in the year 2020. This segment of U.S. 41 is expected to fall to LOS F in the near future with or without the additional 60 units anticipated from this project. U.S. 41 is under the jurisdiction of the Florida Department of Transportation, which is expected to begin 6-lane improvements to U.S. 41 in the year 2006/2007, which will improve the level of service when completed for this segment to LOS C. Based on the analysis prepared by the applicant, the subject site would be completed by 2008, and this segment of U.S. 41 will continue to operate at LOS C, once project buildout occurs.

The projected additional vehicular trips associated with development of this property represents less than 2% of the adopted LOS standard established for this road segment, which is not considered a significant impact to the LOS standard. Once the 6-lane improvements are completed to U.S. 41, the vehicular trips associated with the development of the subject site will represent less than 1% of the adopted LOS standard. A level of service analysis has been completed and is attached as supporting data and analysis.

Mr. Paul O'Connor, AICP, Director  
RE: ORC Response; CPA-2002-02 (DCA No. 03-2);  
Estero 60 Acres, Lee County, Florida  
October 17, 2003  
Page 12

Based on the information submitted in support of the original application, and supplemental data and analysis provided with this correspondence, it is our opinion that the proposed amendment is consistent with Goals, Objectives and Policies of the Lee Plan and should be adopted as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Arnold". The signature is stylized with a large, sweeping "D" and a long horizontal line extending to the right.

D. Wayne Arnold, AICP

DWA:dr

Enclosures

cc: Bernard Piawah, Department of Community Affairs  
Thomas Gilhooley  
Neale Montgomery



**W. Dexter Bender & Associates, Inc.****Environmental & Marine Consultants**

2052 Virginia Avenue ■ Fort Myers, Florida 33901 ■ (239) 334-3680 ■ (239) 334-8714 Fax

October 17, 2003

Mr. Wayne Arnold  
Q. Grady Minor & Associates  
3800 Vie Del Rey  
Bonita Springs, FL 34134

**RE: Estero 60 Land Trust  
Response to 9/5/03 DCA Letter**

Dear Wayne:

Per your request, please find listed below the requested information as it pertains to the "Item I, CONSISTENCY WITH RULE 9J-5., FAC., & CHAPTER 163., F.S. Recommendation".

The Site Plan as shown on the "Estero 60 Acres Cluster Plan" prepared by Q. Grady Minor & Associates, P.A. provides for a contiguous 21.2' acre Preserve/State Acquisition Area south of the development in addition to a 4.14 acre slough preserve. The 21.2' acre Preserve/State Acquisition Area consists primarily of saw palmetto and slash pine with melaleuca wetlands present in the southeast corner of the preserve. Other features include a borrow pit and FPL power line easement. An additional 4.14 acres of slough will also be preserved to the east of the development area. The area of proposed development currently consists of saw palmetto and slash pine and melaleuca. As shown in the attached Management Plan, approximately 4 active and 9 inactive tortoise burrows are located within the proposed development area. After obtaining a Florida Fish and Wildlife Conservation Commission gopher tortoise relocation permit, these burrows will be excavated immediately prior to land clearing activities with all recovered tortoises and any commensal listed species including the eastern indigo snake and the gopher frog being relocated to the adjacent preserve area.

A large, contiguous preserve area of suitable habitat for the listed species found on the site is preferable to a site plan in which preserve areas are smaller and/or non contiguous. The site plan, as proposed, also minimizes the amount of preserve area abutting developed areas and as such improves the quality of the preserved habitat. In addition, the removal of exotic vegetation, primarily melaleuca from the 4.14 acre slough preserve and the remaining areas of indigenous upland habitat within the development area, will increase the wildlife habitat value of these areas as well.

Page 2

Mr. Wayne Arnold

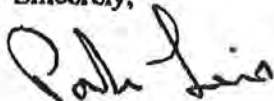
October 17, 2003

It should also be noted that the Estero 60 Acre Land Trust Parcel does not contain "scrub habitat" as stated in the DCA letter. The vegetation types as mapped on the attached Pine Road 60 Listed Species Graphic prepared by Boylan & Associates and as defined in the Florida Land Use Cover and Forms Classification System (FLUCCS) consist of the following:

321/411 Saw Palmetto - Slash Pine (< 20% Canopy ) 43.32 Acres  
321/424 Saw Palmetto - Melaleuca 5.07 Acres  
424 Melaleuca- 0.35 Acres  
424H Melaleuca Wetlands - 7.80 Acres  
500 Other Surface Waters- 1.23 Acres  
740 Disturbed Areas - 0.74 Acres  
743 Berm 0.08 Acres  
832 FPL Easement 1.73 Acres

If you have any questions or need any additional information, please give me a call.

Sincerely,



Parke Lewis  
Biologist

cc: Neale Montgomery

**ESTERO 60 ACRE LAND TRUST**  
**LISTED SPECIES MANAGEMENT PLAN**

**Revised: October 17, 2003**

**Prepared for:**

**131 Group, Inc.  
9167 Brendan Lake Court  
Bonita Springs, FL 34135-4354**

**Prepared by:**

**W. Dexter Bender & Associates, Inc.  
2052 Virginia Avenue  
Fort Myers, FL 33901**



## INTRODUCTION

The Estero 60 Land Trust Parcel is located at the end of Pine Road, west of US 41 in Estero on Section 20, Township 46 South, Range 25 East in Lee County.

In order to address the revised site plans for the Estero 60 Acre Land Trust Parcel (f/k/a Pine Road 60), a revised Listed Species Management Plan has been prepared. The revisions are based upon the attached June 2003 "Cluster Plan" as prepared by Q. Grady Minor and Associates, P.A., and the Pine Road 60 Habitat Management Plan dated December 11, 2001 as prepared by Boylan Environmental Consultants, Inc.

Field work by W. Dexter Bender & Associates, Inc. on the subject property was conducted on September 25th and 30th of 2003 to verify vegetation mapping and the status of listed species as described in the December 2001 Protected Species Assessment and Management Plan. The Protected Species Survey documented the presence of the gopher tortoise on site and the potential for the Big Cypress fox squirrel. Due to the presence of gopher tortoise burrows, the potential also exists for the presence of the eastern indigo snake and the gopher frog as commensal listed species.

### Gopher Tortoise

Approximately 4 active and 9 inactive gopher tortoise burrows lie within the proposed development area. In order to relocate tortoises prior to land clearing activities, a gopher tortoise relocation permit would be obtained from the Florida Fish and Wildlife Conservation Commission (FFWCC).

All recovered tortoises and their commensals will be relocated to the pine flatwoods on the 25.57 acre Preserve/State Acquisition Area.

### Fox Squirrel

Immediately prior to construction or mitigation activities, the areas will be re-checked for the presence of Big Cypress Fox Squirrel nests. If "actively nesting" nests are found, 150' buffers would be maintained around the nest trees until the nest(s) are deemed inactive. When deemed inactive, the (melaleuca) nest tree would be taken down in conjunction with either construction or wetland mitigation activities. It is anticipated that the melaleuca slough, would have exotics removed and subsequently replanted with desirable wetland vegetation. The wetland mitigation details are not known at this time and could only be known at time of ERP permitting.

### Eastern Indigo Snake

Standard protection measures would be established as follows:

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur. Information signs should be posted throughout the construction site and contain the following information:

- a.) A description of the eastern indigo snake, its habitat and protection under Federal Law;
  - b.) Instructions not to injure, harm, harass, or kill this species.
  - c.) Directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and
  - d.) Telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water, then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a Section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the FFWCC for such activities, are permitted to come in contact with or relocate an eastern indigo snake.
  3. If necessary, eastern indigo snakes shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.
  4. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
    - a.) Any sightings of eastern indigo snakes,
    - b.) summaries of any relocated snakes if relocation was approved for the project (e.g., location of where and when they were found and relocated); and
    - c.) other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

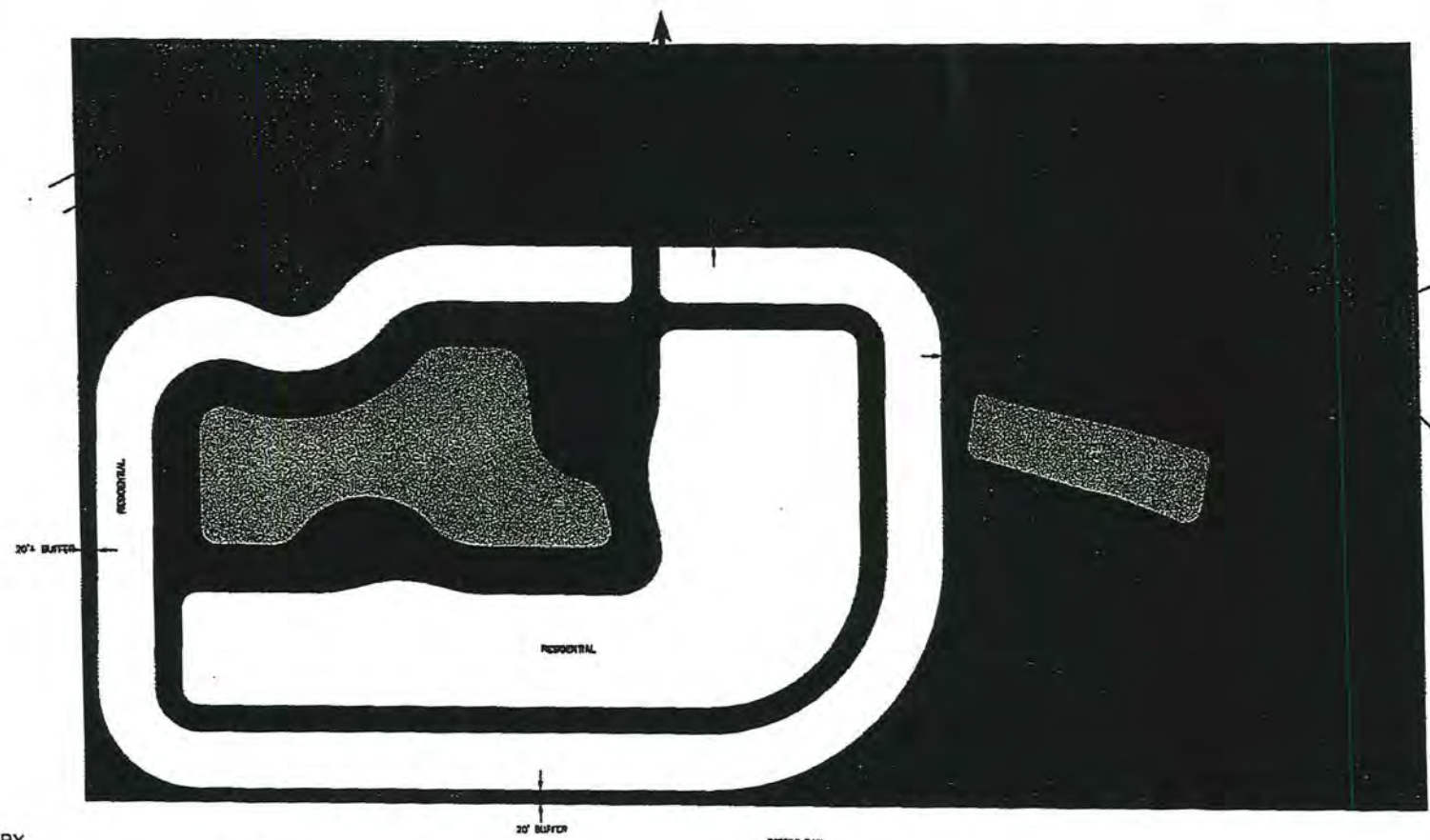
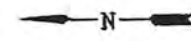
See the attached Eastern Indigo Snake Protection Plan.

#### Florida Black Bear

1. Signage will be placed around the preserve areas. This signage (language) would prohibit hand feeding of wildlife, including birds. This would eliminate leftover food scraps throughout the property. There would be signs stating "Feeding of Animals is Prohibited".
2. There would be no beehives, livestock (including fowl), or stables meant to house animals located on site.
3. If picnic areas are located on-site, signage would be placed in the vicinity reminding people to remove all food scraps and refuse when leaving.


#### **HABITAT MAINTENANCE**

The onsite preserve areas, including the 4.14 acre slough and upland indigenous vegetation areas within the project development area, will be maintained free of exotic and nuisance vegetation in perpetuity to ensure that exotic and nuisance vegetation constitute less than 1% of total vegetation coverage.



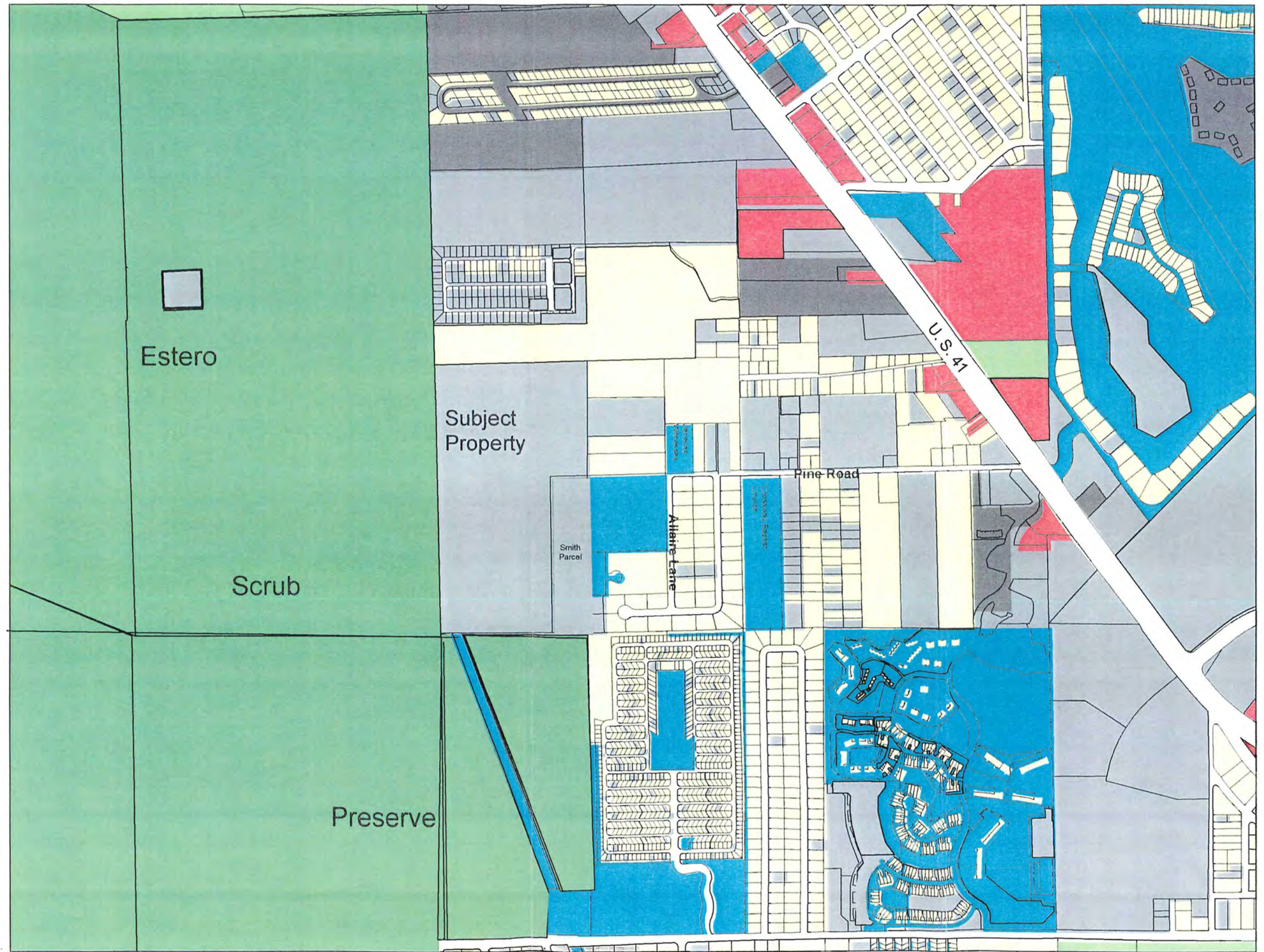
**SITE SUMMARY**

RESIDENTIAL DEVELOPMENT AREA	35.00± ACRES
SLOUGH (FLOWWAY)	04.14± ACRES
PRESERVE/STATE ACQUISITION AREA	21.18± ACRES
<b>SITE TOTAL</b>	<b>60.32± ACRES</b>

<b>LEGEND</b>	<b>OWNER/DEVELOPER</b>					DESIGNED BY: G.G.M. DRAWN BY: G.S.S. APPROVED: G.G.M. JOB CODE: EDCP SCALE: 1" = 300'	 <b>Q. GRADY MINOR AND ASSOCIATES, P.A.</b> CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS 8008 VIA DEL REY ESTERITA, SPANISH FLORIDA 34134 PHONE: (904) 947-1144 FAX: (904) 947-5278 <small>MEMBERSHIP CERTIFICATE OF AFFILIATION IS BEING MAINTAINED CERTIFICATE OF REGISTRATION IS BEING</small>	<b>ESTERO 60 ACRES</b>	
				<b>CLUSTER PLAN</b>					
						DATE: JUNE, 2003 FILE NAME: ESTC04BASE DRAWING NUMBER: 1 of 1			



CPA2002-02:  
Existing Land Use

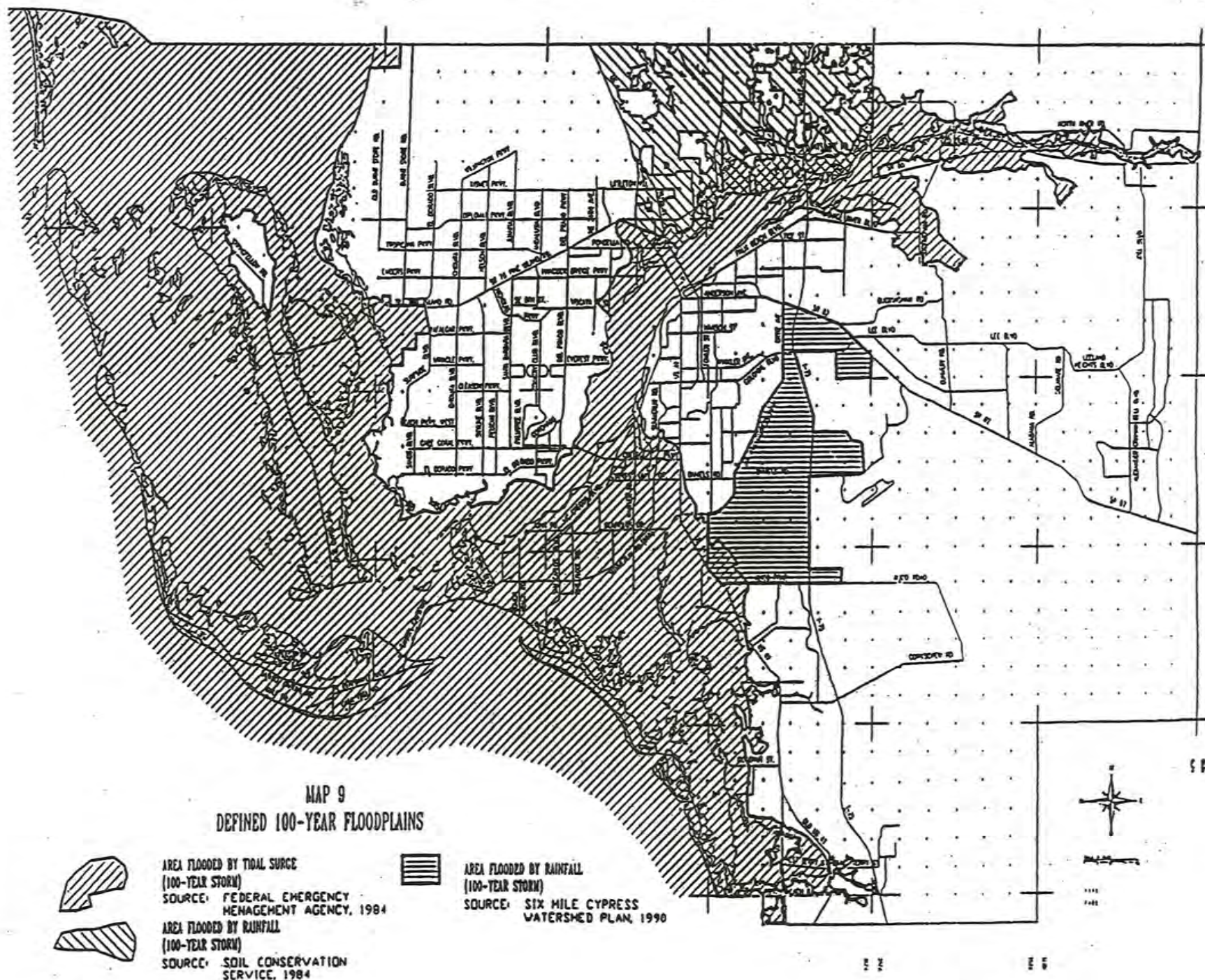


- Mixed Use/ No Data
- Agriculture
- Commercial
- Public
- Residential
- Vacant
- Estero Scrub Preserve

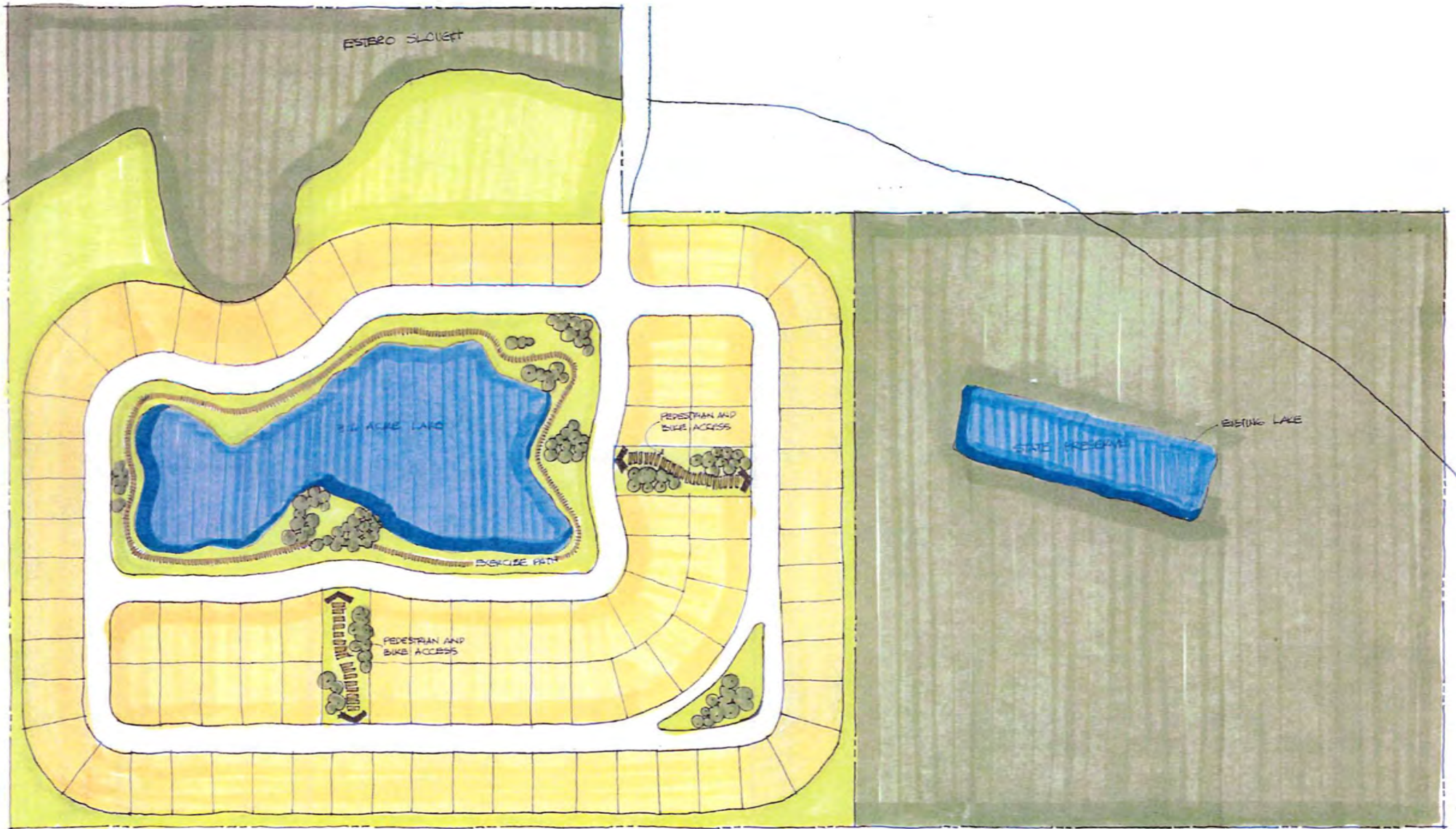


600 300 0 600 1,200 1,800  
Feet









WARNER ARCHITECTS, INC  
761 TWELFTH AVENUE S. NAPLES, FL

ESTERO COMMONS

PRELIMINARY SITE PLAN 8-6-03  
90 SINGLE FAMILY DETACHED UNITS.



# DIVISION OF PLANNING

## MEMORANDUM



# LEE COUNTY

SOUTHWEST FLORIDA

**to:** Board of County Commissioners  
**from:** Paul O'Connor, AICP, Director  
**subject:** October 23, 2003 Adoption Hearing  
**date:** Friday, October 17, 2003

Attached please find the staff report for the Estero 60 Privately Initiated comprehensive plan amendment, CPA 2002-02. This completes your packet for the October 23, 2003 Lee Plan Adoption Hearing.

There has been some confusion regarding the date at which this amendment will be heard. The October 23, 2003 hearing is the scheduled date for this amendment. At that hearing, the applicant plans to request that action on this amendment be continued to a later date. The stated reason for the requested continuance is so the amendment can be heard by the full Board. Staff and the applicant have negotiated a compromise that has resulted in additional text changes. Staff is recommending adoption of the amendment as revised. Staff is ready to proceed with the hearing on this amendment on the 23<sup>rd</sup>. It will be at the pleasure of the Board whether or not to accommodate the applicant's request and continue the hearing.

**CPA2002-02  
ESTERO-60  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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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*

**September 5, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2002-02**



Text Amendment



Map Amendment

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

STAFF REPORT PREPARATION DATE: March 17, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

ESTERO 60 ACRE LAND TRUST  
REPRESENTED: BY WAYNE ARNOLD,  
Q. GRADY MINOR AND ASSOCIATES

**2. REQUEST:**

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, to amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property. The applicant proposes the following text amendment:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities,



commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. For lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, connection to a central sanitary sewer system shall be required if residential development occurs at a density exceeding 1 dwelling unit per acre, and clustering shall be utilized if residential development occurs at a density exceeding 1 unit per acre to enhance open spaces and buffers and to provide for an appropriate flow way. Compliance with the above clustering standards shall be demonstrated through the use of the planned development zoning district.

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

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** In addition to the various conclusions contained in this Staff Analysis, staff offers the following as the basis and recommended findings of fact:
  - The requested land use category is not adjacent to the site.
  - The need for additional urban area within the County has not been justified by the applicant.
  - Based on the 2020 FSUTMS model run, even with all planned improvements, U.S. 41 will operate at LOS F in the year 2020. The proposed increase in density would add 59 trips in the P.M. peak hour. This would worsen an already burdened section of major roadway.
  - Access to the property is through an existing residential area to the east. Furthermore, the access road is substandard and the access is problematic where the Right of Way intersects existing roads.

- All portions of the property less than 7.4 feet in elevation meet the criteria of the Coastal high Hazard Area.
- Access is further limited by the north-south configured slough flow-way on the eastern edge of the property.
- This slough could act as a conduit for storm surges coming up from Mullock Creek.
- This property is within the Tidal Surge area depicted on Lee Plan Map 9: Defined 100-year Flood Plains.
- The property abuts the Estero Scrub Preserve, a state-owned conservation area, to the south and west.
- Increasing residential density from one unit per acre to two units per acre would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels.
- The proposal would add 2.4 minutes to the hurricane evacuation time.
- The proposal would double the number of vehicles evacuating in a hurricane from 58 to 116 and the number of people evacuating from 109 to 218.
- The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46.
- The proposal would double the amount of hurricane shelter space needed in a category 2 hurricane from 460 square feet to 920.
- The majority of the property contains high quality native uplands.
- The property contains habitat for Lee County listed species.
- The proposed amendment is inconsistent with Lee Plan Policies 75.1.4 and 5.1.2 which seek to limit development in the Coastal High Hazard Area.
- A nearly identical proposal was denied by the Board of County Commissioners in January 2002.
- Remaining upland portions of the property are essentially an island surrounded by the Coastal High Hazard Area.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 60.324 acres.

**PROPERTY LOCATION:** The site is generally located at the end of Pine Road, west of U.S. 41 in Estero.

**EXISTING USE OF LAND:** The subject property is currently vacant.

**CURRENT ZONING:** AG-2.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Rural, Urban Community and Wetlands.

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

**WATER & SEWER:** The subject property is located in the Gulf Environmental Services, Inc., franchise area for potable water service. Conversations with personnel at the water utility indicate that adequate flow and pressure are available. The nearest water main is a 10 inch line running along the south side of Pine Road from US 41 to the western end of Pine Road, terminating approximately 670 feet from the property. Staff has confirmed with personnel at Gulf Environmental Services Inc. that the water treatment plant for the area has sufficient capacity for the proposed additional 60 units.

The subject property is also located in the Gulf Environmental Services, Inc., franchise area for sanitary sewer service. According to the application, "Sanitary sewer will be extended to the site and utilized." The nearest sewer line is a force main on the east side of US 41 and connecting to it would require an investment in infrastructure for new lines and force pumps. Planning staff notes that Lee Plan Standards 11.1 and 11.2 provide for mandatory connections when certain development thresholds are achieved. The proposed density increase would fall below the 2.5 units per acre threshold for mandatory connection to sanitary sewer lines. However, the applicant has proposed language that would make sewer connections mandatory for the subject property.

On June 30<sup>th</sup> 2003 Lee County Utilities will take over services from Gulf Environmental Services. Staff does not anticipate any difficulties or changes in the level of service from this change.

**FIRE:** The property is located in the San Carlos Fire Protection and Rescue Service District.

**TRANSPORTATION:** The subject property currently has access to an unimproved dirt trail which is covered by easements connecting it to Pine Road, on the west side of U.S. 41.

**SOLID WASTE FRANCHISE:** Gulf Disposal Inc.



## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant, Estero 60 Acre Land trust, represented by Wayne Arnold, is requesting a change of future land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for 51.63 acres of a 60.324 acre parcel of land (attachments 1A and 1B). The applicant is also requesting an amendment to the Lee Plan that would limit the property to a maximum density of two units per acre and would require that any future development to connect to central sewer services. The site is located west of the current terminus of Pine Road west of U.S. 41 in Estero, in Section 20, Township 46 South, Range 25 East. If the amendment is approved the permissible density would increase from a maximum standard density of 1 du/acre to 2 du/ac, a 100 percent increase.

This proposal is nearly identical to proposed Lee Plan Amendment PAM98-06. That proposed amendment was denied by the Lee County Board of County Commissioners in January 2002. The only difference between PAM98-06 and this proposed amendment is the additional proposed language requiring the subject property to connect to central sewer service and the use of clustering and the planned development process.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was shown as being located in the "Rural" and "Urban Community" land use categories. Only that portion of the property lying to the east of Mullock Creek was designated Urban Community which accounts for only a small triangle in the extreme southeast corner. Subsequent Future Land Use Map amendments and administrative interpretations redesignated the slough system on the eastern side of the property and other scattered spots to Wetlands. This created 7.86 acres of Wetland designation and resulted in an even a smaller portion (.5 acre) of the property being designated Urban Community. There are approximately 51.63 acres currently designated Rural on the property. The future land use designations of this property were not affected by the Estero/Corkscrew Road Area Study of 1987.

#### **ADJACENT ZONING AND USES**

Immediately to the north of this parcel are 9 vacant acres of a 31 acre parcel in the Shady Acres RV Park, with AG-2, MH-2, and RV-3 zoning. North of that parcel is a subdivided portion of Shady Acres with MH-1 zoning. These parcels are designated as Rural, Wetlands, and/or Urban Community. Immediately to the east of the subject parcel are several parcels zoned AG-2 and RS-3. Some are vacant, and others have low density residential uses. These parcels are designated Wetlands and Urban Community. Two parcels have churches on them. The first church is a Congregation of Jehovah's Witnesses on the north side of Pine Road. Further east on the south side of Pine Road is Crossway Baptist Church. To the south and the west is the Estero Scrub Preserve, a conservation area and part of the state-owned Estero Aquatic Preserve. To the east is a 10 acre vacant parcel that is part of a slough system feeding into Mullock Creek. This parcel is part of an ongoing land swap between the Trustees for Internal Improvement Trust Fund (TIITF) and the parcels owner. The 10 acre parcel is being given to the state in exchange for TIITF-owned land along US41. The 10 acres will then become part of the Estero Scrub Preserve. The significance of this swap is that if it goes through it will cause the subject property to become bordered by the Estero Scrub

Preserve on three sides. This will further isolate the property from nearby residential land. As of this report, the swap is still pending.

### **TRANSPORTATION ISSUES**

Proposed Lee Plan Amendment PAM 98-06 was a part of the 2001-02 Regular Plan Amendment Cycle. The Lee County Department of Transportation (DOT) reviewed that request and provided Planning staff written comments dated December 14, 1998 (see Attachment 2). The Department of Transportation raised four questions/comments which are relevant to this proposed amendment. The property will use Pine Road to access U.S. 41. DOT notes that, based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020, even with all of the planned transportation improvements in place. In a memo dated February 6, 2001, DOT staff states that a density increase of 1 unit/acre to 2 units per acre will result in an additional 59 trips in the P.M. peak hour, but this will not change the future road network plans. Although the number of trips generated will not be very large, it will exacerbate an already bad situation. Planning staff questions the validity of doubling the density on this property when it is known that there is a future LOS problem on a major roadway link affected by this property.

DOT also raises a potential problem with north bound traffic exiting the property making a U-turn at the intersection of U.S. 41 and Breckenridge.

Pine Road itself is a substandard roadway, measuring only about 20 feet wide with soft shoulders and a drainage ditch on the north side.

An additional concern is the configuration of the access from Pine Road. Several access points intersect at this point. This includes the easement to the subject property, Allaire Lane to the south, Pine Road to the east, the entrance way to the residential property to the southwest, an unimproved approach running north from the intersection, and access ways from the residence to the northwest and the Jehovah's Witness church northeast of the intersection.

### **Mass Transit**

The application provided the following regarding Mass transit during the PAM 98-06 plan amendment:

*"The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary."*

In a memo dated February 20, 2003, Steve Myers of LeeTran reaffirmed that the proposed amendment will have no effect on existing or planned LeeTran services (see Attachment 2).

### **PUBLIC SAFETY ISSUES**

The applicant and Planning staff requested letters from the public safety and service providers (see Attachment 2). The purpose of these letters is to determine the adequacy of existing or proposed support facilities.

### **Emergency Management - Hurricane Evacuation/Shelter Impacts**

Lee County Emergency Management (EM) staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments dated February 20, 2001 (see Attachment 2). These comments are relevant to this proposed amendment. Many portions of the subject property meet the criteria for the Category 1 evacuation area. Doubling the allowable density on a property located in a Category 1 evacuation area, according to the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, would add 2.4 minutes to the exiting evacuation time. The increased density would also double the number of people seeking shelter in a category 2 hurricane from 23 to 46 and double the amount of shelter space needed from 460 square feet to 920. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of evacuating people would double from 109 to 218.

### **Fire Service Impact**

The subject parcel is located within the San Carlos Fire Protection and Rescue Service District. In a May 29, 2001 conversation with staff, Chief Ippolito of the San Carlos Fire Protection and Rescue Service District stated his objection to the proposed increase in Density due to the single access and the substandard nature of Pine Road. This concern was reaffirmed in a conversation with San Carlos Fire Protection staff on March 14, 2003.

### **Emergency Medical Services (EMS) Impact**

EMS staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments. Those comments are relevant to this proposed amendment. In a letter dated October 15, 1998, the EMS Program Manager stated:

*"If the above named parcel is changed to Outlying Suburban from Rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit /3 dwelling units per acre) The Residents could generate 45 calls annually for EMS resources."*

*"Without a site plan showing ingress/egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances/personnel are acquired according to current budgetary plans."*

Planning staff is concerned that an average response time of six minutes is excessive. The Lee Plan's non-regulatory EMS standard, as contained in Policy 70.1.3, provides for "a five and one half (5½) minute average response time."

### **Public Safety Conclusion**

From the above reviews, planning staff concludes that the requested land use change will have an impact on public safety service providers by increasing the demand on existing and future facilities.

### **SCHOOL IMPACTS**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated February 26, 2003 (see Attachment 2). In a personal communication with planning staff on March 4, 2003 School District staff confirmed that the proposed amendment to Outlying Suburban would increase the potential density to two units per acre, or 120 units. These units would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the



South Region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that would need to be addressed in the permitting process through school impact fees.

## **VEGETATION & WILDLIFE**

The 60-acre parcel contains approximately 43 acres of high quality scrubby pine flatwoods, 0.7 acres of pine/oak scrub, 5 acres of pine flatwoods with melaleuca, 8 acres of melaleuca dominated wetlands, 1.7 acres of FPL transmission line easement, 1.2 acres of borrow pit/pond, and 0.8 acres of disturbed area. The property abuts the Estero Scrub Preserve along the entire length of the western and southern property lines.

The melaleuca dominated slough system crossing the eastern portion of the property is degraded vegetatively, however, the conveyance and stormwater storage capacity are important to this portion of the County. Restoration of the slough system would be beneficial to water quality, water storage, and wildlife. In fact, the state has begun restoration of this slough system to the south on the Estero Scrub Preserve property.

The property consists of habitat that may support Lee County listed species. The potential listed species include gopher tortoise, eastern indigo snake, gopher frog, southeastern American kestrel, red-cockaded woodpecker, Florida panther, Big Cypress fox squirrel, Florida black bear, fakahatchee burmanian, satinleaf, beautiful paw-paw, Florida coontie, American alligator, roseate spoonbill, limpkin, little blue heron, reddish egret, snowy egret, tricolored heron, and Everglades mink. Gopher tortoise burrows and scat were observed by Craig Schmittler, South Florida Water Management District, and Boylan Environmental Consultants staff.

## **COMMUNITY PARKS IMPACT**

The application provides the following concerning this issue:

*"The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero."*

In a memo from the Development Services Division dated May 16, 2001, County staff states,

*"The potential increased population is 126 residents. These residents will require 0.75 acres of regional parks to meet the required level of service (LOS) and 1.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the year 2004. However, the desired LOS will probably not be met in 2004."*

*"The residents will require 2.2 acres of community parks to meet the required LOS standard and 2.52 acres to meet the desired LOS standard. There is sufficient acreage to meet the required LOS standard throughout the year 2004. However, the desired LOS standard was not met in 1997. The only new park or addition planned in Community Park Impact Fee District 4 is a 3-acre addition at Bay Oaks Park on Ft Myers Beach which is not large enough to meet the desired LOS in 1998 or later."*

Although the proposed amendment would not create a park acreage deficit, it would make the goal of attaining the desired level of park space more difficult to achieve.

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following discussion concerning this issue:

*"Surface water management will be provided by a series of lakes, connecting culverts and out falls structures. All will be permitted through the South Florida Water management District and will comply with their rules and regulations."*

According to staff from Lee County Division of Natural Resources, surface water flows affecting this site are from northeast to southwest. While it may be perceived that flow go toward Mullock Creek, the system is very small and constricted. Staff believes the water flows crossing this site should be routed through this sites' water management system and outfall toward the FPL grade with culverts to allow the water flow to continue to the southwest through the State preserve.

## **COASTAL ISSUES**

Coastal issues are relevant to this application. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council, shows that approximately 2.2 acres of the subject property are located within the Category 1 storm surge zone. However, due to the generalized nature of the Storm tide atlas, 2.2 acres is a low estimate and does not accurately indicate the extent to which the subject property would be affected by coastal flooding. In particular, staff is concerned that the slough on the eastern side of the property would act as a conduit for storm surges coming up from Mullock Creek. These surges could not only flood part of the subject parcel, but would also lay across the only access way from the subject property to hurricane evacuation routes. According to communications with Dan Trescott of the Regional Planning Council, those portions of the subject property lower than 7.4 feet meet the criteria for the category 1 storm surge and should be in the Coastal High Hazard Area. This includes the Northwest corner of the property, the eastern portion of the northern half of the property as well as the southeast corner of the property (See Attachment 4). The topographic map of the subject property reveals that the slough areas are less than 7.4 feet in elevation and therefore should be within the Coastal High Hazard Area. The subject site is in the "Coastal Planning Area" as defined by the Lee Plan. All of the subject property is in the FIRM A Zone. The site is also within the Tidal Surge area of a 100-year storm according to Lee Plan Map 9: Defined 100-year Flood Plains (See Attachment 5). The site has a history of flooding as indicated on the Flood History Map supplied by Emergency Management Staff (See Attachment 6).

Lee Plan Policy 75.1.4 states:

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

The applicant is seeking to increase residential density over and above that which is currently permitted by the Rural designation of the subject property. The end result, if approved, is increased density and the

concurrent increase in population placed in an area subject to storm surge. Staff finds that doubling the number of permitted units on the subject property is inconsistent with the statement of "assignment of minimum allowable densities" in this policy.

In addition, Lee Plan Policy 5.1.2. states:

*"Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community."*

Staff finds that doubling the number of permitted units on the subject property is inconsistent with this policy. Furthermore, the applicant has not included any analysis or justification that the subject property (a portion of which is located in the Coastal High Hazard Area) is an appropriate location to increase densities from that currently envisioned and permitted by the Lee Plan.

In a memo dated February 13, 2003, John D Wilson of the Division of Public Safety states:

*"As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4."*

*"The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not consistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would remove this acreage from the amount the county currently receives credit for this particular activity."*

In the event of a category two hurricane, doubling the density of this property would also double the number of evacuating people from 109 to 218. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of people seeking shelter would double from 23 to 46.

#### **POPULATION ACCOMMODATION ANALYSIS**

There are approximately 51.63 acres currently designated Rural on the property. Under the current designation, 51 dwelling units could be constructed in the Rural area. This Rural area accommodates 106 persons on the FLUM (51 X 2.09 persons per unit). There is .5 acre designated Urban community on this property. Under that designation, a maximum of 3 dwelling units could be built in that area. This equates to a population accommodation capacity of 6 persons (3 units X 2.09 persons per unit). There are 7.86 acres designated Wetland on the subject property. Since a minimum of 20 acres of Wetland is needed for a single unit, no dwelling units can be constructed in this area. Under current designation, 54 units total can be constructed on the subject property for a population accommodation capacity of 112 persons.

The proposed plan amendment would redesignate the Rural areas to Outlying Suburban with a maximum density of 2 units per acre. This would allow a maximum of 103 units to be built on the outlying suburban land. This would increase the Population accommodation capacity to 215 persons. The Urban Community



and Wetland areas would be unaffected and would still allow 3 units and zero units respectively. This would create a total of 106 dwelling units on the subject property and a population accommodation capacity of 221 persons under the proposed amendment. This would increase the population accommodation on the Future Land Use Map by 109 persons.

### **APPROPRIATENESS ANALYSIS**

The request is to redesignate 51.63 acres of a 60.324 acre parcel of land from a non-urban designation to a Future Urban designation. The applicant has not shown that the proposed land use category is appropriate for the subject site. The requested land use category, Outlying Suburban, is not adjacent to the site. As such, the proposed amendment represents "spot" planning. In addition, the proposal would also create approximately 51 acres of additional future urban area. Lee County currently has sufficient land designated future urban area and the applicant has not provided sufficient justification for more urban land at this time.

In 1989, The secretary of the Florida Department of Community Affairs defined sprawl as "premature, low-density development that 'leapfrogs' over land that is available for urban development." The subject property is in a rural designation and is situated just outside a future urban area designated Urban Community on the Future Land Use Map. The urban area between the subject property and US 41 currently contains low density residential and vacant parcels (attachment 3). As such, the proposed amendment would fit this definition of urban sprawl.

The site abuts a state-owned preservation area and as such the lower density non-urban category is more appropriate. Lee County has proposed no urban services for this site. Increasing the density would place a greater demand on a substandard local road and on US 41, which will be already overloaded by the year 2020. The applicant has not stated a clear planning basis for the requested change. Staff finds that the application's supporting documentation is insufficient to warrant this change.

### **B. CONCLUSIONS**

This proposed plan amendment is almost identical to previous Lee Plan amendment PAM98-06 that was denied by the Lee County Board of County Commissioners in January 2002. The only difference between the two applications is the new proposed language that would require connection to central sewer service and the use of clustering and the Planned Development Process. The issues and concerns that planning staff had with PAM98-06 are still relevant and have not been sufficiently addressed by the applicant. Staffs main concern is the presence of the slough flow-way on the eastern edge of the property and the property's vulnerability to flooding. Planning staff finds that there is no justification for the proposed amendment to Map 1, the Future Land Use Map, to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban. The proposed plan amendment does not remedy or mitigate any undesirable condition nor does it enhance or create any desirable conditions. Staff believes that the increased density is inappropriate for the area.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended as requested. This recommendation is based upon the previously discussed issues and conclusions of this analysis. See the finding of facts in Part I of this report.

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

DATE OF PUBLIC HEARING: March 24, 2003

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

Both planning staff and the applicant gave presentations. One LPA member asked if any specific clustering were being proposed. The applicant replied that there were no specific plans for the property but that the RPD process would be used. An LPA member stated that it would be possible for the applicant to get the desired number of units on a smaller piece of land at higher density, allowing much of the property to be preserved. The applicant replied that it was necessary to redesignate the entire property to achieve the proposed density of 2 units an acre.

Another LPA member asked for an update on an abutting 10-acre parcel known as the Smith Parcel. The applicant described the parcel as 7 acres of slough and 3 acres of upland. The applicant stated that a developer was due to purchase the property on April 15<sup>th</sup> and then swap it to the state in exchange for another parcel in the area.

Three residents of the neighborhood abutting the subject property spoke at the meeting. Among the concerns they expressed were:

- The increased number of people that would be exposed to flooding, storm surges and hurricanes.
- The increased danger of entering US 41 from Pine Road.
- The destruction of wildlife habitats.
- The increased traffic would increase the danger to neighborhood children and pets.

One citizen stated that there is a 30-40 signature petition on file at the commissioners office opposing the proposed expansion.

Board members asked if there were any plans to signalize the Pine Road/ US 41 intersection or if the additional 60 units would warrant a median. Staff replied that they did not know of any plans to signalize the intersection and it would not be possible to accommodate a median at that location.

Two board members expressed concern over increased urban area in the County and felt that the traffic issue had not been addressed. Another member felt that the applicant was reasonable in their efforts and that in the long run, the County was better off with a clustered development served by sewer.

One member stated that although the applicant had made an effort to sell the property to the state, he moved that the LPA find the proposed amendment inconsistent with the Lee Plan and recommend that the Board of County Commissioners not transmit the proposed amendment. This motion was seconded.

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

**1. RECOMMENDATION:**

The LPA recommends that the Board of County Commissioners **not** transmit this amendment.

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

The LPA found that despite the applicants efforts to meet planning staffs requests, the proposed plan amendment was inconsistent with the Lee Plan.

**C. VOTE:**

NOEL ANDRESS	NAY
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
DAN DELISI	NAY
RONALD INGE	ABSENT
GORDON REIGELMAN	AYE



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

DATE OF TRANSMITTAL HEARING: June 25, 2003

- A. BOARD REVIEW:** Staff gave a brief presentation and the applicant addressed the Board. One commissioner stated that through it's own appraisal, the State had made it difficult for the board to deny transmittal. Another Commissioner asked about the affordable housing agreement between the applicant and the University. Larry Warner explained that the applicant could offer pre-sale arrangements to the University which could then sell units to University faculty members.

Heather Stafford of the Florida Department of Environmental Protection stated that the State is working with the applicant towards the acquisition of a portion of the 60-acre parcel. The County Attorney stated that the sale of the property could be limited by the State's own appraisals. A commissioner then mentioned that the Board was getting involved in things beyond it's purview and that planning staff and the Local Planning Agency had recommended not to transmit the proposed amendment.

The commissioner also stated that there were many issues that were not being addressed by the Board during the meeting. He asked staff what the main reasons were for recommending not to transmit the proposed amendment. Staff replied that Pine Road is a sub-standard road, the proposed amendment would add additional traffic onto US 41, that the proposal would double density in environmentally good habitat, and that there has been no demonstration of need for additional urban land in the County. The applicant stated that the proposed amendment would allow the land to be developed in a much more environmentally-friendly manner than it would be without the measures included in the proposed language.

A Commissioner moved to transmit the proposed amendment with the understanding that if it was adopted, it would require water and sewer service with no septic tanks at whatever density it is developed. Another Commissioner stated that implicit in the motion was that the property should include the Planned Development process if developed at higher than one unit per acre, that utilities would be mandatory at all densities, and that any development would be clustered with the balance of the land going into preservation. One Commissioner stated that he could not support the applicants proposal because the Staff recommendation was not to transmit.

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

1. **BOARD ACTION:** The Board of County Commissioners voted 3-2 to transmit the proposed Future Land Use Map amendment along with the following language modifications:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not

permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/ Estero Area must connect to a central sanitary sewer system if residential development is pursued on the property. In addition, if residential density in excess of 1 dwelling unit per acre is proposed, clustering must be utilized to enhance open space, buffers and to provide for an appropriate flow way. Compliance with the clustering standard must be demonstrated through the use of a planned development zoning district

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The majority of the Commissioners stated that the proposed amendment would allow the subject property to be developed in a more responsible and environmentally friendly manner.

**C. VOTE:**

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
BOB JANES	<u>NAY</u>
DOUG ST. CERNY	<u>NAY</u>

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

DATE OF ORC REPORT: September 5, 2003

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

DCA staff found the proposed change to the Outlying Suburban future land use category to be unsuitable for the following three reasons:

***Suitability issue:** The proposal is to change the land use designation on a 60-acre site located in the vicinity of Pine Road and U.S. 41, from Rural (1 dwelling unit per acre) to Outlying Suburban (3 dwelling units per acre but limited by policy to a density of 2 dwelling units per acre). This proposed designation of Outlying Suburban appears unsuitable for this site for a variety of reasons:*

*Firstly, the site is adjacent to the Estero Scrub Preserve, on the west and southwest, a state-owned conservation area; increased density will result in a greater amount of run-off from the site with the potential to adversely impact the Scrub Preserve.*

*Secondly, although, the amendment includes a policy requiring clustering if development on the site exceeds 1 dwelling unit/acre, it has not been demonstrated, through adequate data and analysis, how development activities on the site will occur, at the proposed density with clustering, without jeopardizing the protection of threatened and endangered species that may inhabit the site since the proposed clustering provision does not include the implementation guidelines and criteria that must be followed by the developer. For example, the amount, nature, and type of open space that will be set aside to ensure minimal impact on the adjacent preservation area as well as the scrub habitat on the site and the species that inhabit it are not specified in the plan. In the absence of this type of guidance, the clustering policy is vague and cannot be relied upon to ensure the protection of natural resources. Thus, with respect to natural resource protection, the amendment appears to be inconsistent with Lee Plan's Objective 77.1, 77.3, and 77.4, and policies 77.2.10, 77.3.1, 77.4.1, and 83.1.5 regarding the protection of environmentally sensitive areas, endangered and threatened species and their habitat.*

*Thirdly, although, according to the supporting documentation, only a very small portion of the site is located within the Coastal High Area, Lee County's emergency management staff believes that the evacuation time of this site may be necessary in the event of a category 2 hurricane, and flooding could occur because the natural ground elevation on this tract of land is between 8 feet and 10 feet which is very vulnerable to storm surge and freshwater flooding associated with storms. Should evacuation of the site be necessary, the increased density would essential double the demand for shelter space originating from the site. Double the number of evacuating people and add 2.4 minutes to the hurricane evacuation time, with U.S. 41 as the only route. This is important since according to Lee County's Transportation Staff, U.S. 41 is projected to operate at a level of service standard of F by 2020, even with all of the planned transportation improvements completed. The additional number of trips will exacerbate the situation.*



*Chapter 163.3177(2), (6)(a), (d), (9)(b), Florida Statutes; Rule 9J-5.003(90), 9J-5.005(2)(a), (5), & (6); 9J-5.006(2)(a), (b), (3)(b)1., (3)(c)3., & 6.; Rule 9J-5.011(1)(f)1.; 9J-5.012(3)(c)1.; 9J-5.013(1)(a)5., & 4., (2)(c)5., 6., & 9., Florida Administrative Code.*

DCA staff recommend that the applicant demonstrates with adequate data and analysis that the increased density will not adversely affect the adjacent Estero Scrub Preserve. Also show how the proposed development will occur at the site at the proposed density without jeopardizing the protection of threatened or endangered species that may inhabit the site. Further, revise the proposed clustering policy to specify the type and amount of open space that will be set aside. Provide data and analysis showing how the amount of open space for preservation is related to the protection of natural resources.

## **B. STAFF RESPONSE**

Subsequent to the release of the ORC Report, Staff met with the applicant and their representatives on several occasions. It should be noted that the property owner for this amendment has changed from the original applicant. Just prior to the Transmittal Hearing the property was sold. The new owners have a fairly specific plan for development of the property. The plan should adequately address the objections raised in the ORC Report. However, as this is a comprehensive plan amendment and not a Planned Development zoning case, it is very difficult to "condition" assurances that this plan of development will in fact actually occur. Staff worked closely with the new applicant and now has proposed language that, while not absolute, gives sufficient assurance.

The revised plan of development, see attachment 7, further defines the clustering of development. The site is broken into three basic areas. The developed area is located in the northwest quadrant and is limited to  $\pm 31$  (thirty one) acres. The slough preserve area is in the northeast quadrant and contains some  $\pm 5$  (five) acres. The third area is located in the southern portion of the property and contains  $\pm 25$  (twenty five) acres. This area is dedicated as a preserve and abuts existing Aquatic Preserve Buffer property on three sides. This portion of the property is intended for sale to the State, the County, or another conservation entity. Staff believes that the proposed language for Policy 1.1.6 and footnote 6 of Table 1A provides adequate assurance that this plan, or one very similar to it, will eventually occur:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, **a portion of San Carlos Groves in San Carlos/Estero planning community**, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

### **1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:**

- a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property shall be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

Table 1 (a)  
SUMMARY OF RESIDENTIAL DENSITY<sup>1</sup>  
(No Change to the Table 1 (a))

CLARIFICATIONS AND EXCEPTIONS

(No Change to footnotes 1 through 5)

<sup>6</sup> In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (see Goal 17), the maximum density shall be 2 du/acre.

(No change to footnotes 7 through 11)

The newly amended language provides the following assurances to Lee County:

- A commitment to clustering the housing units in the north half of the subject parcel;
- Preservation of the open space in the southern half of the subject parcel;
- Preservation of the slough system crossing the eastern half of the subject parcel;

- Use of sewer services for the subject parcel instead of septic tanks; and,
- Use of central water system instead of individual wells.
- A commitment by the owner to pursue the sale or transfer of the preserve/open space area to the State, County, or other conservation entity

Staff believes that the amended language is a vast improvement over past proposals for the subject parcel by this and previous applicants. When the subject property was originally proposed for a Future land use map change, the proposed density was for three units per acre. In addition, there were no provisions for how the property would be developed. Central sewer and water service were not required. Nor was there any measures proposed to address preservation and conservation concerns. Therefore, planning staff recommend that the Board of County Commissioners adopt the proposed amendment with the amended language.



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

DATE OF ADOPTION HEARING: October 23, 2003

**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**

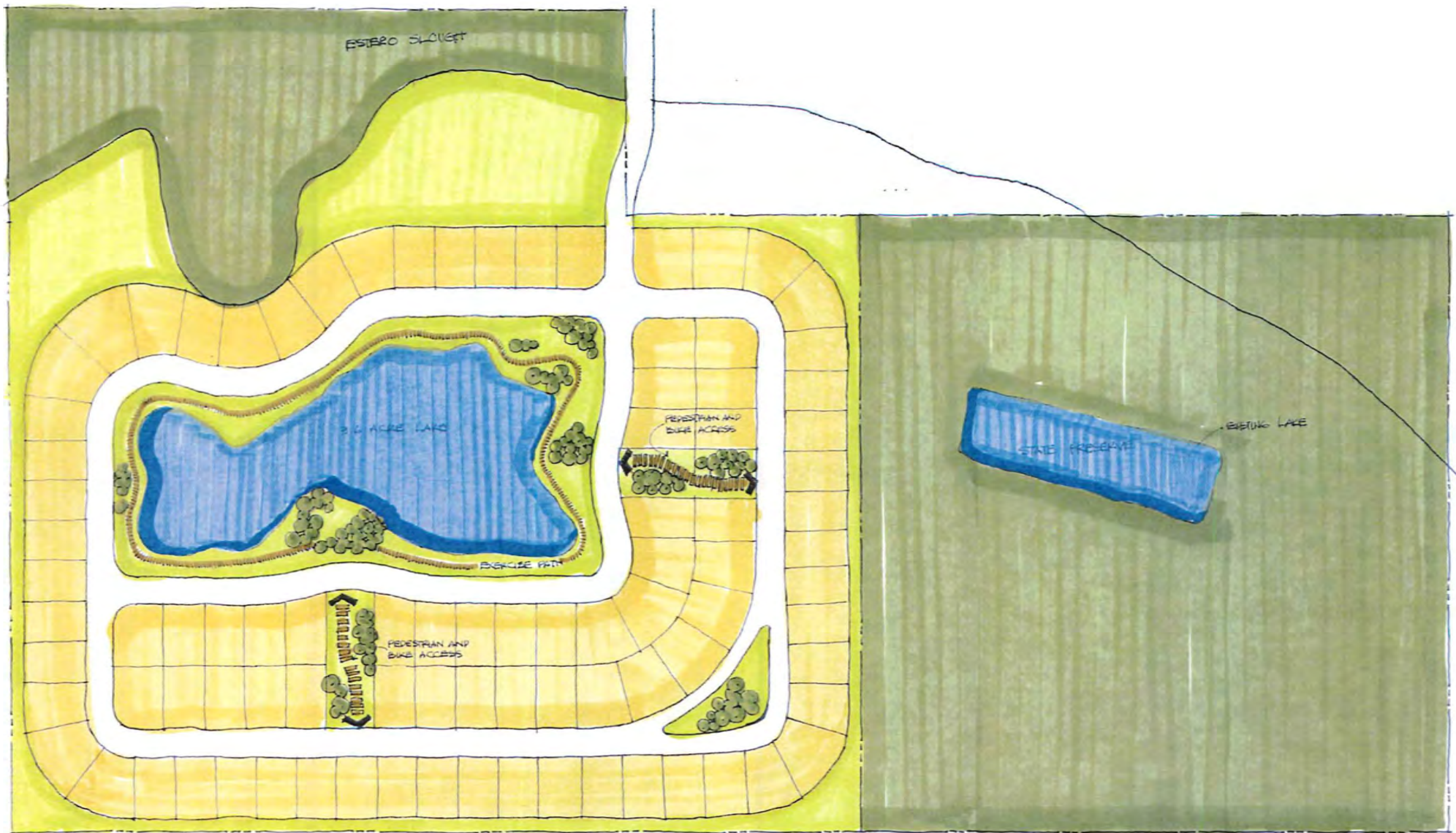
**ANDREW COY**

**RAY JUDAH**

**BOB JANES**

**DOUG ST. CERNY**

_____
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WARNER ARCHITECTS, INC  
761 TWELFTH AVENUE S. NAPLES, FL

ESTERO COMMONS

PRELIMINARY SITE PLAN 8-6-03  
90 SINGLE FAMILY DETACHED UNITS.

**ADDITIONAL INFORMATION**  
**FOR**  
**ESTERO 60 ITEM**  
**SCHEDULED FOR 10/23/03 COMPREHENSIVE**  
**PLAN AMENDMENT HEARING**



**Q. GRADY MINOR & ASSOCIATES, P.A.**  
**Civil Engineers ■ Land Surveyors ■ Planners**

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Q. GRADY MINOR, P.E.  
MARK W. MINOR, P.E.  
C. DEAN SMITH, P.E.  
DAVID W. SCHMITT, P.E.  
MICHAEL J. DELATE, P.E.  
NORMAN J. TREBILCOCK, A.I.C.P., P.E.  
MATTHEW J. HERMANSON, P.E.

D. WAYNE ARNOLD, A.I.C.P.  
ROBERT "BOB" THINNES, A.I.C.P.  
THOMAS J. GARRIS, P.S.M.  
STEPHEN V. BURGESS, P.S.M.  
MICHAEL L. HARMON, P.S.M.  
ALAN V. ROSEMAN

October 17, 2003

Mr. Paul O'Connor, AICP, Director  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: ORC Response; CPA-2002-02 (DCA No. 03-2); Estero 60 Acres; Lee County, Florida

Dear Mr. O'Connor:

We have prepared this response with additional data and analysis to the Florida Department of Community Affairs (DCA) Objections, Recommendations, and Comments report (ORC), dated September 5, 2003, relating to CPA-2002-02. The ORC report issued by the DCA objects to the proposed 60-acre plan amendment and cites three findings as a basis for the objection. First the DCA cites that increased densities on the property will result in a greater amount of run-off from the site with the potential to adversely impact the Estero Scrub Preserve. Second, the commitment to cluster development on the site did not adequately address the areas to be preserved through the use of clustering, or implementation guidelines. Third, the DCA mentions concern over the potential of doubling the density on the property and the impact on hurricane evacuation times along U.S. 41.

The DCA did recommend that additional data and analysis should be provided to demonstrate how the stated concerns could be addressed on the site. This correspondence, and attachments, provides additional data and analysis, which addresses the DCA's stated objection and recommendations to the proposed amendment.

In response to the recommendations found in the ORC report, and after continual dialogue with the respective staffs of the DCA, Southwest Florida Regional Planning Council, and Lee County, the applicant has modified the proposed Lee Plan text amendment to more specifically address the clustering provisions. The amended text provides for clustering implementation guidelines, and preservation area size and location commitments, in addition to requirements to provide water and sewer services to the property. The amended text is as follows:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, the property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.**

**A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed 35 acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property shall be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.**

<sup>6</sup> In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); **Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area;** and in the Buckingham area (see Goal 17), the maximum density shall be 2 du/acre.

The proposed text amendment limits residential density on the subject property to a maximum of two dwelling units per acre, and provides specific development standards that must be met, which will result in clustered residential development and preservation of nearly one-half of the property as preserve/open space, if development occurs at any density greater than that permitted under the current land use plan designation. We submit with the revised Lee Plan text, and the additional supporting data and analysis which has been provided, the amendment is a logical land use change and should be supported for a variety of reasons. A summary of some of the basis for support are listed below:

1. The property is located immediately adjacent to Urban designated lands and the existing land use pattern is clearly not rural or agricultural in nature. The change to Outlying Suburban with an additional density restriction is a logical land use pattern.
2. The property is within the service area for Lee County potable water and sanitary sewer service.
3. The development intensity and impacts to existing uplands resulting from the proposed clustered development is reduced over that permitted under its current rural agricultural designation and zoning, which permits intensive agricultural operations, churches and schools, without restriction as to preservation of native habitats. The clustering provisions specifically require development only on the northwestern portion of the site, and preserve the slough and lands adjacent to the Estero Buffer Preserve.
4. Off-site surface water discharges to the nearby Estero Bay and its surrounding preserve are reduced by over 40% by the use of clustering techniques, rather than that which may occur under the current permitted rural land uses and residential densities of one dwelling unit per acre over the entire property.
5. A listed species survey indicates that the gopher tortoise is the only listed species inhabiting the site, and with the clustered development scenario, can be successfully relocated in accordance with an approved management plan.



6. Hurricane evacuation and risk to residents during storm events are not exacerbated under the proposed amendment due to clustered development on the upland portion of the site, where land elevations are above the thresholds for Category 1 storm surge.
7. The amendment does not impact the current level of service standard on U.S. 41.

The subject 60 acre property proposes to amend the Lee County Future Land Use Map to change the future land use designation from rural to outlying suburban, with a density cap of two dwelling units per acre. The site is located at the terminus of Pine Road. The property currently has the land use designations: rural, urban and wetlands. Properties immediately to the east and south are developed with a church, single-family homes and recreational vehicles at approximately three to eight dwelling units per acre.

The prevailing pattern of adjacent and surrounding suburban and urban developments can be clearly seen in the aerial photo accompanying the plan amendment. These properties are designated suburban and urban. Based on existing and future land uses, the subject property is not "rural" in nature. A review of the Lee Plan Future Land Use Map (attached) also demonstrates a significant land use relationship near Estero Bay. The subject property consisting of 60± acres and a small area north of the property represents the only rural designated lands around Estero Bay. Areas north of Coconut Road are designated outlying suburban, areas near Alico Road are designated suburban and urban. These land use designations, having similar proximity to Estero Bay, permit residential densities up to 200% greater than that proposed by this amendment. The subject property is located approximately one-half mile east of Estero Bay and is separated from the Bay by the Estero scrub preserve, which was purchased as a buffer to Estero Bay. The proposed plan amendment is consistent with the Lee Plan designation of similarly situated properties and because of the further limitation to two dwelling units per acre, will represent one of the least intensive land use categories in and around Estero Bay.

The Lee Plan in Policy 1.4.1 states that rural areas are to remain predominantly rural—that is low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The site is located within the service area of Lee County for potable water and sanitary sewer. Water service is available to the site at Pine Road. Sewer service is available at U.S. 41, approximately ½ mile east of the subject property, and will be extended to the site to support clustered residential development.

The pattern of nearby development is clearly not rural in nature. Furthermore, potential conversion of the site to any number of active agricultural land uses permitted by right under the current Rural land use designation, and AG-2 zoning could have greater potential for negative environmental and compatibility issues with surrounding properties. Other non-agricultural uses permitted in the AG-2 zoning district and in the Rural designation include:

1. public schools,
2. places of worship (churches),
3. communication tower,
4. home care facility,
5. park,
6. residential dwellings, including mobile homes, and conventional single-family

We believe that the DCA did not adequately consider the potential environmental impacts associated with the permitted large-lot residential use and agricultural use of the subject property in its initial recommendation. Further, we do not believe, that given the surrounding pattern of residential development and a future land use designation that permits additional residential development, that the most compatible land use relationship is that of intensive agricultural use. Farming operations are not restricted with respect to noise, odors, or hours of operation and could be deemed incompatible with nearby urban development. We believe that the most appropriate land use designation is the proposed Outlying Suburban category, with the density limitation at two dwelling units per acre. This designation will permit low density residential development on the subject property consistent with the surrounding land use pattern, and provide the opportunity to provide the environmental protection measures outlined below in our discussion of environmental site issues.

Below, we have addressed the key points of objection raised by the DCA:

- 1. The increase density will result in increased run-off from the site and thereby potentially adversely impact the adjacent scrub preserve.**

We disagree with the stated objection. Clustered development on the subject property will result in a reduced allowable discharge from the property compared to the discharge that would result from development on the entire 60 acre site. We have consulted with staff of the South Florida Water Management District regarding the permitted discharge rates for the subject property. The District has indicated that the allowable discharge for this area is 69 cubic feet per square mile (cfm) or 0.1078 cubic feet per second (cfs)/acre. If the entire 60 acres of the site were utilized to

support residential uses, approximately 52 acres would be subject to the design for the overall water management system. Based on the allowable discharge rate, this would result in an allowable discharge from the site of 5.61 cfs.

With a clustered development scenario, whereby the residential component of the property can be clustered on 35 acres or less, the allowable discharge from the site would be 3.77 cfs. The clustered development alternative would reduce the overall discharge from the site by 33%.

This property will be required to obtain a South Florida Water Management District permit for the surface water management system. Additionally, due to the ultimate discharge into Mullock Creek, the water quality treatment that must occur on this site must meet 150% of the normal water quality requirements. This standard will easily be achieved within the lakes and open space areas within the proposed 35 acre development envelope that will constitute the project's water management system.

**2. Demonstrate through adequate data and analysis how development activities will occur through clustering without jeopardizing the protection of threatened and endangered species that may inhabit the site.**

As previously discussed, the clustering policy has been revised to more specifically describe the acreage of the site that may be utilized to support clustered residential development, and how measures through the planned development zoning process will protect the slough system along the eastern perimeter of the site, as well as lands in the southern portion of the property that abut State of Florida owned lands.

An updated species survey has been conducted according to the requirements of Lee County. This information is included as an attachment to this submittal. The survey found signs of gopher tortoise on site. This survey indicated 4 active burrows and 9 inactive burrows in the area proposed for development. The remaining open space area is more than sufficient to support the relocated tortoise population. Since gopher frogs and the Eastern indigo snake are sometimes considered a commensal species with the gopher tortoises, these two species are also indicated as possibly present on the project site. A preliminary management plan for the gopher tortoises is included in the attachment.

It is anticipated that an incidental take permit will be obtained and the gopher tortoises will be relocated out of harm's way to the open space provided in the southwestern portion of the site.



There is a bald eagle nest located south of the project site. This nest is LE 04A. A map is attached that shows the approximate location of the nest in relationship to the project boundaries. This nest appears to be approximately 1200 feet south of the property line, which would extend the secondary buffer zone approximately 300 feet into the southwestern portion of the Pine Road 60 Tract. Under the clustering scenario, no development will be permitted within this buffer zone.

The Big Cypress Fox Squirrel was not observed during the species survey, but some stick nests were found in melaleuca trees. To insure the protection of the Big Cypress Fox Squirrel, the site will be re-surveyed for the Big Cypress Fox Squirrel prior to any development approvals. If signs of fox squirrels are found at that time, a management plan will be implemented that will provide a no construct buffer around the nest until nesting is completed.

No signs of the Florida Black Bear were found on site, but to provide further protection for the species a management plan will be implemented. This plan will include distribution to the homeowners pamphlets with instructions and requirements for refuse containment along with educational material about the Florida black bear protection regulations.

No signs of listed wading birds or wetland dependent species such as the American alligator were observed during the survey. This is not surprising since the wetlands were surveyed during the dry season. The removal of exotics and the enhancement of the slough should maintain suitable habitat for these species after development.

No listed plants were observed during the survey work. Should any listed plants be found during the anticipated future survey work, they will be relocated to the native preserve areas that will be provided on site.

With the implementation of these listed species management activities, the Pine Road 60 project will have no adverse impact on listed species.

## **COMPREHENSIVE LAND USE DISCUSSION**

**OBJECTIVE 77.1: RESOURCE MANAGEMENT PLAN.** The county shall continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

The proposed land use change is consistent with this Objective. The project has been designed to maintain and enhance the wetland slough system located along the eastern property boundaries. Additionally, approximately 20 acres of contiguous uplands will be preserved through the use of clustering on the subject site. The upland and wetland areas on the site will remain contiguous to other lands owned by the State of Florida as part of the Estero Buffer Preserve.

**POLICY 77.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.**

The proposed land use change is consistent with this Policy. The Estero Scrub Preserve Lands are located to the west and south of the project site. There is a power line easement west of the Pine Road 60 Tract that runs on a northwest to southeast angle. This power line easement crosses the southwestern portion of the Pine Road 60 Tract. On the west side of the project site, the cleared easement is approximately 100 feet in width. An access trail is located west of this easement for that portion of the easement that lies west of the project site.

The cleared easement and access trail have already disturbed and altered the scenic values of the lands to the west of the project site. To further protect the natural character of the adjacent Estero Scrub Preserve, lands immediately adjacent to a portion of the preserve will be set aside as preservation areas through the planned development zoning process. This preservation area will be approximately 25 acres in size.

**OBJECTIVE 77.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.**

The proposed plan amendment is consistent with this objective. The wildlife management activities that will be implemented will protect the listed species that may utilize the project site. The removal of exotics and enhancement of the slough along the eastern portion of the property will provide improved wildlife value and diversity to the system. Additionally, residential development will be clustered on the northwestern portion of the site, allowing for the preservation of the wetland slough on the eastern portion of the site and uplands located to the south. These areas will provided a diversity of habitat for a variety of fish and wildlife species.

**POLICY 77.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.**

The plan amendment is consistent with this Policy. The project will maintain the wetland slough by clustering residential development away from the slough, and the project will include upland buffers adjacent to the slough. A large contiguous upland preservation area of over 20 acres will be provided on the southern portion of the property.

**OBJECTIVE 77.4: ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.**

By clustering the residential development to the northwestern portion of the property, a large upland area will be set aside as preservation area which will provide for habitat for a variety of wildlife. No endangered species were observed on the site. Enclosed with this response are copies of proposed management plan for the gopher tortoise which is the only threatened species observed on the site.

**POLICY 77.4.1: Identify, inventory and protect flora and fauna indicated as endangered, threatened or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida", Florida Game and Freshwater fish Commission, as periodically updated. Lee county's Protected Species regulations shall be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development. There shall be a funding commitment of one full-time environmental planner to enforce this ordinance through the zoning and development review process. (Amended by Ordinance No. 92-48, 94-30).**

The survey indicated there are no protected, threatened or endangered plant species on the property. The gopher tortoise is the only threatened species observed on-site. At the time of local development approval for any development on the site, the project will be subject to review for consistency with the Lee County Land Development Code requirements, Chapter 10, Development Standards and Chapter 14, Environment and Natural Resources. These Chapters address standards for open space, surface water management, habitat and wildlife protection.



**POLICY 77.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.**

This policy is not applicable. There are no rare or endangered plant or animal species on the site. The management activities that will be implemented will protect the listed species found on the project site. The commitment to cluster development in the northwestern portion of the property will provide for preservation of upland and wetland areas on the site, which do provide habitat for a variety of species.

**Policy 83.1.5: Lee County shall protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.**

This plan amendment is consistent with this policy. The proposed amendment limits wetland impacts to the small isolated melaleuca invaded wetlands, and protects the wetland slough extending along the eastern boundary of the site. Mitigation will be provided for the minimal wetland impacts. These wetlands are not estuarine, mangrove stands, undeveloped tidal creeks or inlets or marine grass beds. The wetlands on the project site are freshwater melaleuca wetlands. The project site is not on a barrier island, a beach or on a dune system. The site does not contain habitat designated as critical habitat for listed species.

As required by SFWMD, a buffer will be designed along the wetland slough system which will be an average of 25 feet in width. The water management system will be designed to maintain historic water table elevations for the site.

**3. Additional vehicular trips associated with a density increase may exacerbate hurricane evacuation time on U.S. 41.**

Based on recent topographic surveys prepared for the property, all but a small portion of the site is located above the Category 1, landfalling hurricane storm surge elevation of 7.4' NGVD. FEMA requirements establish a minimum finished floor elevation of 11', which is within the Category 2 landfalling hurricane storm surge zone. The required building elevations will reduce the risk of flooding and required evacuation for residents. Further, the clustering commitment will assure that residences are clustered on upland areas away from the slough, which will reduce the risk of flooding and required evacuation.

The S.W. Florida Regional Planning Council has reviewed the amendment and concluded that evacuation times would potentially increase by up to 2.4 minutes with the maximum of 120 units on the property. The Regional Planning Council concluded that with clustering and required building elevations above the Category 1 storm surge elevations, that issues associated with hurricane evacuation would be resolved.

Further, the plan amendment is consistent with Lee Plan Policies 79.2.1 and 79.2.2, which address programs to reduce on-site shelter demand for populations at risk in the Hurricane Vulnerability Zone under a Category 3 storm event. Lee County has established an all-hazards MSTU and fee in lieu of for construction of sheltering space. Payment of these required mitigation measures, in addition to clustering dwelling units, and elevating them to FEMA requirements, insure consistency with the Lee Plan and the Strategic Regional Policy Plan.

Lee Plan Policy 80.1.4 also requires new developments of greater than one hundred units within A-zones to formulate an emergency hurricane preparedness plan. Should greater than one hundred residences be built on the subject property, compliance with this Policy will be required.

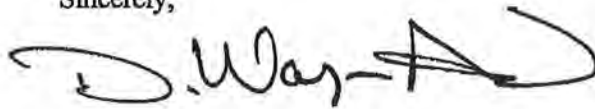
Additional data has been compiled with respect to expressed traffic concerns on U.S. 41 in the year 2020. This segment of U.S. 41 is expected to fall to LOS F in the near future with or without the additional 60 units anticipated from this project. U.S. 41 is under the jurisdiction of the Florida Department of Transportation, which is expected to begin 6-lane improvements to U.S. 41 in the year 2006/2007, which will improve the level of service when completed for this segment to LOS C. Based on the analysis prepared by the applicant, the subject site would be completed by 2008, and this segment of U.S. 41 will continue to operate at LOS C, once project buildout occurs.

The projected additional vehicular trips associated with development of this property represents less than 2% of the adopted LOS standard established for this road segment, which is not considered a significant impact to the LOS standard. Once the 6-lane improvements are completed to U.S. 41, the vehicular trips associated with the development of the subject site will represent less than 1% of the adopted LOS standard. A level of service analysis has been completed and is attached as supporting data and analysis.

Mr. Paul O'Connor, AICP, Director  
RE: ORC Response; CPA-2002-02 (DCA No. 03-2);  
Estero 60 Acres, Lee County, Florida  
October 17, 2003  
Page 12

Based on the information submitted in support of the original application, and supplemental data and analysis provided with this correspondence, it is our opinion that the proposed amendment is consistent with Goals, Objectives and Policies of the Lee Plan and should be adopted as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Arnold". The signature is fluid and cursive, with a large initial "D" and a stylized "A" at the end.

D. Wayne Arnold, AICP

DWA:dr

Enclosures

cc: Bernard Piawah, Department of Community Affairs  
Thomas Gilhooley  
Neale Montgomery



**W. Dexter Bender & Associates, Inc.****Environmental & Marine Consultants**

2052 Virginia Avenue ■ Fort Myers, Florida 33901 ■ (239) 334-3680 ■ (239) 334-8714 Fax

October 17, 2003

Mr. Wayne Arnold  
Q. Grady Minor & Associates  
3800 Vie Del Rey  
Bonita Springs, FL 34134

**RE: Estero 60 Land Trust  
Response to 9/5/03 DCA Letter**

Dear Wayne:

Per your request, please find listed below the requested information as it pertains to the "Item I, CONSISTENCY WITH RULE 9J-5., FAC., & CHAPTER 163., F.S. Recommendation".

The Site Plan as shown on the "Estero 60 Acres Cluster Plan" prepared by Q. Grady Minor & Associates, P.A. provides for a contiguous 21.2' acre Preserve/State Acquisition Area south of the development in addition to a 4.14 acre slough preserve. The 21.2' acre Preserve/State Acquisition Area consists primarily of saw palmetto and slash pine with melaleuca wetlands present in the southeast corner of the preserve. Other features include a borrow pit and FPL power line easement. An additional 4.14 acres of slough will also be preserved to the east of the development area. The area of proposed development currently consists of saw palmetto and slash pine and melaleuca. As shown in the attached Management Plan, approximately 4 active and 9 inactive tortoise burrows are located within the proposed development area. After obtaining a Florida Fish and Wildlife Conservation Commission gopher tortoise relocation permit, these burrows will be excavated immediately prior to land clearing activities with all recovered tortoises and any commensal listed species including the eastern indigo snake and the gopher frog being relocated to the adjacent preserve area.

A large, contiguous preserve area of suitable habitat for the listed species found on the site is preferable to a site plan in which preserve areas are smaller and/or non contiguous. The site plan, as proposed, also minimizes the amount of preserve area abutting developed areas and as such improves the quality of the preserved habitat. In addition, the removal of exotic vegetation, primarily melaleuca from the 4.14 acre slough preserve and the remaining areas of indigenous upland habitat within the development area, will increase the wildlife habitat value of these areas as well.

Page 2

Mr. Wayne Arnold

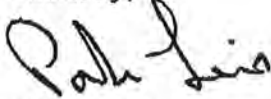
October 17, 2003

It should also be noted that the Estero 60 Acre Land Trust Parcel does not contain "scrub habitat" as stated in the DCA letter. The vegetation types as mapped on the attached Pine Road 60 Listed Species Graphic prepared by Boylan & Associates and as defined in the Florida Land Use Cover and Forms Classification System (FLUCCS) consist of the following:

321/411 Saw Palmetto - Slash Pine (< 20% Canopy ) 43.32 Acres  
321/424 Saw Palmetto - Melaleuca 5.07 Acres  
424 Melaleuca- 0.35 Acres  
424H Melaleuca Wetlands - 7.80 Acres  
500 Other Surface Waters- 1.23 Acres  
740 Disturbed Areas - 0.74 Acres  
743 Berm 0.08 Acres  
832 FPL Easement 1.73 Acres

If you have any questions or need any additional information, please give me a call.

Sincerely,



Parke Lewis  
Biologist

cc: Neale Montgomery

W:\WPDOCS\Parke\131-8 Arnold DCA letter.wpd

**ESTERO 60 ACRE LAND TRUST**  
**LISTED SPECIES MANAGEMENT PLAN**

**Revised: October 17, 2003**

**Prepared for:**

**131 Group, Inc.  
9167 Brendan Lake Court  
Bonita Springs, FL 34135-4354**

**Prepared by:**

**W. Dexter Bender & Associates, Inc.  
2052 Virginia Avenue  
Fort Myers, FL 33901**



## INTRODUCTION

The Estero 60 Land Trust Parcel is located at the end of Pine Road, west of US 41 in Estero on Section 20, Township 46 South, Range 25 East in Lee County.

In order to address the revised site plans for the Estero 60 Acre Land Trust Parcel (f/k/a Pine Road 60), a revised Listed Species Management Plan has been prepared. The revisions are based upon the attached June 2003 "Cluster Plan" as prepared by Q. Grady Minor and Associates, P.A., and the Pine Road 60 Habitat Management Plan dated December 11, 2001 as prepared by Boylan Environmental Consultants, Inc.

Field work by W. Dexter Bender & Associates, Inc. on the subject property was conducted on September 25th and 30th of 2003 to verify vegetation mapping and the status of listed species as described in the December 2001 Protected Species Assessment and Management Plan. The Protected Species Survey documented the presence of the gopher tortoise on site and the potential for the Big Cypress fox squirrel. Due to the presence of gopher tortoise burrows, the potential also exists for the presence of the eastern indigo snake and the gopher frog as commensal listed species.

### Gopher Tortoise

Approximately 4 active and 9 inactive gopher tortoise burrows lie within the proposed development area. In order to relocate tortoises prior to land clearing activities, a gopher tortoise relocation permit would be obtained from the Florida Fish and Wildlife Conservation Commission (FWCC).

All recovered tortoises and their commensals will be relocated to the pine flatwoods on the 25.57 acre Preserve/State Acquisition Area.

### Fox Squirrel

Immediately prior to construction or mitigation activities, the areas will be re-checked for the presence of Big Cypress Fox Squirrel nests. If "*actively nesting*" nests are found, 150' buffers would be maintained around the nest trees until the nest(s) are deemed inactive. When deemed inactive, the (melaleuca) nest tree would be taken down in conjunction with either construction or wetland mitigation activities. It is anticipated that the melaleuca slough, would have exotics removed and subsequently replanted with desirable wetland vegetation. The wetland mitigation details are not known at this time and could only be known at time of ERP permitting.

### Eastern Indigo Snake

Standard protection measures would be established as follows:

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur. Information signs should be posted throughout the construction site and contain the following information:

- a.) A description of the eastern indigo snake, its habitat and protection under Federal Law;
  - b.) Instructions not to injure, harm, harass, or kill this species.
  - c.) Directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and
  - d.) Telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water, then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a Section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the FFWCC for such activities, are permitted to come in contact with or relocate an eastern indigo snake.
  3. If necessary, eastern indigo snakes shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.
  4. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
    - a.) Any sightings of eastern indigo snakes,
    - b.) summaries of any relocated snakes if relocation was approved for the project (e.g., location of where and when they were found and relocated); and
    - c.) other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

See the attached Eastern Indigo Snake Protection Plan.

#### Florida Black Bear

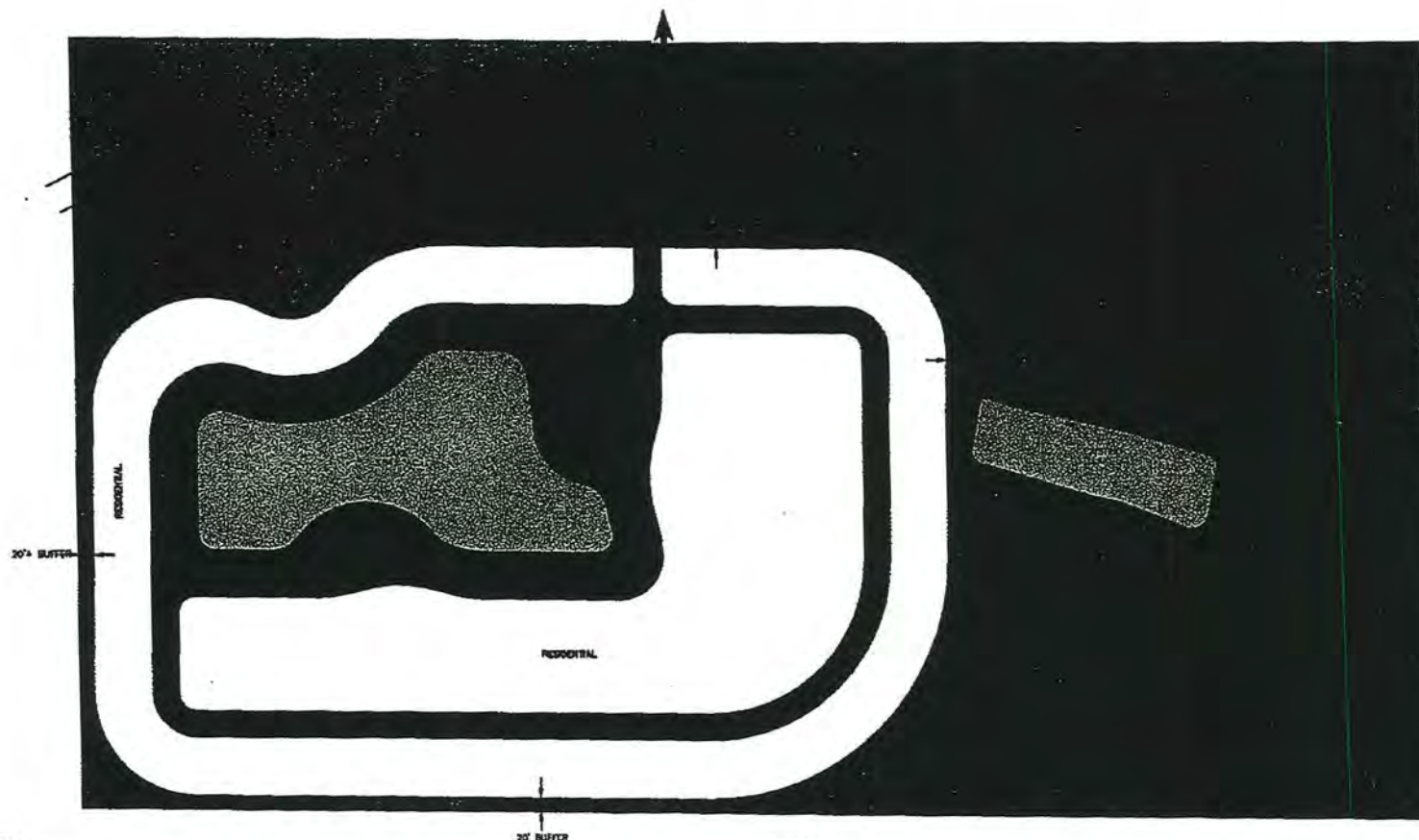
1. Signage will be placed around the preserve areas. This signage (language) would prohibit hand feeding of wildlife, including birds. This would eliminate leftover food scraps throughout the property. There would be signs stating "Feeding of Animals is Prohibited".
2. There would be no beehives, livestock (including fowl), or stables meant to house animals located on site.
3. If picnic areas are located on-site, signage would be placed in the vicinity reminding people to remove all food scraps and refuse when leaving.

#### **HABITAT MAINTENANCE**

The onsite preserve areas, including the 4.14 acre slough and upland indigenous vegetation areas within the project development area, will be maintained free of exotic and nuisance vegetation in perpetuity to ensure that exotic and nuisance vegetation constitute less than 1% of total vegetation coverage.




N



**SITE SUMMARY**

RESIDENTIAL DEVELOPMENT AREA	35.00± ACRES
SLOUGH (FLOWWAY)	04.14± ACRES
PRESERVE/STATE ACQUISITION AREA	21.18± ACRES
<b>SITE TOTAL</b>	<b>60.32± ACRES</b>

LEGEND	OWNER/DEVELOPER					DESIGNED BY: G.C.M.	 <b>Q. GRADY MINOR AND ASSOCIATES, P.A.</b> CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS 8000 VIA DEL SOL, HWY BOULDER SPRINGS, FLORIDA 34134  PHONE 1 (888) 947-3144 FAX 1 (888) 947-8278 <small>EXISTING COURTESY OF ESTEROS TO BECOME WORKING COURTESY OF ACQUISITION IN 2005</small>	ESTERO 60 ACRES		
						DRAWN BY: J.S.S.		CLUSTER PLAN		
						APPROVED: G.C.M.				
						JWS CODE: ECP				
						SCALE: 1" = 300'				
						DATE: JUN 2003	FILE NAME: ESTCOMBASE	DRAWING NUMBER: 1 of 1		



**CPA2002-02  
ESTERO-60  
PRIVATELY INITIATED  
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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**DCA Transmittal 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 25, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2002-02**



Text Amendment



Map Amendment

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

STAFF REPORT PREPARATION DATE: March 17, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

ESTERO 60 ACRE LAND TRUST  
REPRESENTED: BY WAYNE ARNOLD,  
Q. GRADY MINOR AND ASSOCIATES

**2. REQUEST:**

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, to amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property. The applicant proposes the following text amendment:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities,

commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. For lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, connection to a central sanitary sewer system shall be required if residential development occurs at a density exceeding 1 dwelling unit per acre, and clustering shall be utilized if residential development occurs at a density exceeding 1 unit per acre to enhance open spaces and buffers and to provide for an appropriate flow way. Compliance with the above clustering standards shall be demonstrated through the use of the planned development zoning district.

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

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** In addition to the various conclusions contained in this Staff Analysis, staff offers the following as the basis and recommended findings of fact:
  - The requested land use category is not adjacent to the site.
  - The need for additional urban area within the County has not been justified by the applicant.
  - Based on the 2020 FSUTMS model run, even with all planned improvements, U.S. 41 will operate at LOS F in the year 2020. The proposed increase in density would add 59 trips in the P.M. peak hour. This would worsen an already burdened section of major roadway.
  - Access to the property is through an existing residential area to the east. Furthermore, the access road is substandard and the access is problematic where the Right of Way intersects existing roads.



- All portions of the property less than 7.4 feet in elevation meet the criteria of the Coastal high Hazard Area.
- Access is further limited by the north-south configured slough flow-way on the eastern edge of the property.
- This slough could act as a conduit for storm surges coming up from Mullock Creek.
- This property is within the Tidal Surge area depicted on Lee Plan Map 9: Defined 100-year Flood Plains.
- The property abuts the Estero Scrub Preserve, a state-owned conservation area, to the south and west.
- Increasing residential density from one unit per acre to two units per acre would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels.
- The proposal would add 2.4 minutes to the hurricane evacuation time.
- The proposal would double the number of vehicles evacuating in a hurricane from 58 to 116 and the number of people evacuating from 109 to 218.
- The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46.
- The proposal would double the amount of hurricane shelter space needed in a category 2 hurricane from 460 square feet to 920.
- The majority of the property contains high quality native uplands.
- The property contains habitat for Lee County listed species.
- The proposed amendment is inconsistent with Lee Plan Policies 75.1.4 and 5.1.2 which seek to limit development in the Coastal High Hazard Area.
- A nearly identical proposal was denied by the Board of County Commissioners in January 2002.
- Remaining upland portions of the property are essentially an island surrounded by the Coastal High Hazard Area.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 60.324 acres.

**PROPERTY LOCATION:** The site is generally located at the end of Pine Road, west of U.S. 41 in Estero.

**EXISTING USE OF LAND:** The subject property is currently vacant.

**CURRENT ZONING:** AG-2.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Rural, Urban Community and Wetlands.

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

**WATER & SEWER:** The subject property is located in the Gulf Environmental Services, Inc., franchise area for potable water service. Conversations with personnel at the water utility indicate that adequate flow and pressure are available. The nearest water main is a 10 inch line running along the south side of Pine Road from US 41 to the western end of Pine Road, terminating approximately 670 feet from the property. Staff has confirmed with personnel at Gulf Environmental Services Inc. that the water treatment plant for the area has sufficient capacity for the proposed additional 60 units.

The subject property is also located in the Gulf Environmental Services, Inc., franchise area for sanitary sewer service. According to the application, "Sanitary sewer will be extended to the site and utilized." The nearest sewer line is a force main on the east side of US 41 and connecting to it would require an investment in infrastructure for new lines and force pumps. Planning staff notes that Lee Plan Standards 11.1 and 11.2 provide for mandatory connections when certain development thresholds are achieved. The proposed density increase would fall below the 2.5 units per acre threshold for mandatory connection to sanitary sewer lines. However, the applicant has proposed language that would make sewer connections mandatory for the subject property.

On June 30<sup>th</sup> 2003 Lee County Utilities will take over services from Gulf Environmental Services. Staff does not anticipate any difficulties or changes in the level of service from this change.

**FIRE:** The property is located in the San Carlos Fire Protection and Rescue Service District.

**TRANSPORTATION:** The subject property currently has access to an unimproved dirt trail which is covered by easements connecting it to Pine Road, on the west side of U.S. 41.

**SOLID WASTE FRANCHISE:** Gulf Disposal Inc.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant, Estero 60 Acre Land trust, represented by Wayne Arnold, is requesting a change of future land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for 51.63 acres of a 60.324 acre parcel of land (attachments 1A and 1B). The applicant is also requesting an amendment to the Lee Plan that would limit the property to a maximum density of two units per acre and would require that any future development to connect to central sewer services. The site is located west of the current terminus of Pine Road west of U.S. 41 in Estero, in Section 20, Township 46 South, Range 25 East. If the amendment is approved the permissible density would increase from a maximum standard density of 1 du/acre to 2 du/ac, a 100 percent increase.

This proposal is nearly identical to proposed Lee Plan Amendment PAM98-06. That proposed amendment was denied by the Lee County Board of County Commissioners in January 2002. The only difference between PAM98-06 and this proposed amendment is the additional proposed language requiring the subject property to connect to central sewer service and the use of clustering and the planned development process.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was shown as being located in the "Rural" and "Urban Community" land use categories. Only that portion of the property lying to the east of Mullock Creek was designated Urban Community which accounts for only a small triangle in the extreme southeast corner. Subsequent Future Land Use Map amendments and administrative interpretations redesignated the slough system on the eastern side of the property and other scattered spots to Wetlands. This created 7.86 acres of Wetland designation and resulted in an even a smaller portion (.5 acre) of the property being designated Urban Community. There are approximately 51.63 acres currently designated Rural on the property. The future land use designations of this property were not affected by the Estero/Corkscrew Road Area Study of 1987.

#### **ADJACENT ZONING AND USES**

Immediately to the north of this parcel are 9 vacant acres of a 31 acre parcel in the Shady Acres RV Park, with AG-2, MH-2, and RV-3 zoning. North of that parcel is a subdivided portion of Shady Acres with MH-1 zoning. These parcels are designated as Rural, Wetlands, and/or Urban Community. Immediately to the east of the subject parcel are several parcels zoned AG-2 and RS-3. Some are vacant, and others have low density residential uses. These parcels are designated Wetlands and Urban Community. Two parcels have churches on them. The first church is a Congregation of Jehovah's Witnesses on the north side of Pine Road. Further east on the south side of Pine Road is Crossway Baptist Church. To the south and the west is the Estero Scrub Preserve, a conservation area and part of the state-owned Estero Aquatic Preserve. To the east is a 10 acre vacant parcel that is part of a slough system feeding into Mullock Creek. This parcel is part of an ongoing land swap between the Trustees for Internal Improvement Trust Fund (TIITF) and the parcels owner. The 10 acre parcel is being given to the state in exchange for TIITF-owned land along US41. The 10 acres will then become part of the Estero Scrub Preserve. The significance of this swap is that if it goes through it will cause the subject property to become bordered by the Estero Scrub



Preserve on three sides. This will further isolate the property from nearby residential land. As of this report, the swap is still pending.

### **TRANSPORTATION ISSUES**

Proposed Lee Plan Amendment PAM 98-06 was a part of the 2001-02 Regular Plan Amendment Cycle. The Lee County Department of Transportation (DOT) reviewed that request and provided Planning staff written comments dated December 14, 1998 (see Attachment 2). The Department of Transportation raised four questions/comments which are relevant to this proposed amendment. The property will use Pine Road to access U.S. 41. DOT notes that, based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020, even with all of the planned transportation improvements in place. In a memo dated February 6, 2001, DOT staff states that a density increase of 1 unit/acre to 2 units per acre will result in an additional 59 trips in the P.M. peak hour, but this will not change the future road network plans. Although the number of trips generated will not be very large, it will exacerbate an already bad situation. Planning staff questions the validity of doubling the density on this property when it is known that there is a future LOS problem on a major roadway link affected by this property.

DOT also raises a potential problem with north bound traffic exiting the property making a U-turn at the intersection of U.S. 41 and Breckenridge.

Pine Road itself is a substandard roadway, measuring only about 20 feet wide with soft shoulders and a drainage ditch on the north side.

An additional concern is the configuration of the access from Pine Road. Several access points intersect at this point. This includes the easement to the subject property, Allaire Lane to the south, Pine Road to the east, the entrance way to the residential property to the southwest, an unimproved approach running north from the intersection, and access ways from the residence to the northwest and the Jehovah's Witness church northeast of the intersection.

### **Mass Transit**

The application provided the following regarding Mass transit during the PAM 98-06 plan amendment:

*"The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary."*

In a memo dated February 20, 2003, Steve Myers of LeeTran reaffirmed that the proposed amendment will have no effect on existing or planned LeeTran services (see Attachment 2).

### **PUBLIC SAFETY ISSUES**

The applicant and Planning staff requested letters from the public safety and service providers (see Attachment 2). The purpose of these letters is to determine the adequacy of existing or proposed support facilities.

### **Emergency Management - Hurricane Evacuation/Shelter Impacts**

Lee County Emergency Management (EM) staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments dated February 20, 2001 (see Attachment 2). These comments are relevant to this proposed amendment. Many portions of the subject property meet the criteria for the Category 1 evacuation area. Doubling the allowable density on a property located in a Category 1 evacuation area, according to the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, would add 2.4 minutes to the exiting evacuation time. The increased density would also double the number of people seeking shelter in a category 2 hurricane from 23 to 46 and double the amount of shelter space needed from 460 square feet to 920. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of evacuating people would double from 109 to 218.

### **Fire Service Impact**

The subject parcel is located within the San Carlos Fire Protection and Rescue Service District. In a May 29, 2001 conversation with staff, Chief Ippolito of the San Carlos Fire Protection and Rescue Service District stated his objection to the proposed increase in Density due to the single access and the substandard nature of Pine Road. This concern was reaffirmed in a conversation with San Carlos Fire Protection staff on March 14, 2003.

### **Emergency Medical Services (EMS) Impact**

EMS staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments. Those comments are relevant to this proposed amendment. In a letter dated October 15, 1998, the EMS Program Manager stated:

*"If the above named parcel is changed to Outlying Suburban from Rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit /3 dwelling units per acre) The Residents could generate 45 calls annually for EMS resources."*

*"Without a site plan showing ingress/egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances/personnel are acquired according to current budgetary plans."*

Planning staff is concerned that an average response time of six minutes is excessive. The Lee Plan's non-regulatory EMS standard, as contained in Policy 70.1.3, provides for "a five and one half (5½) minute average response time."

### **Public Safety Conclusion**

From the above reviews, planning staff concludes that the requested land use change will have an impact on public safety service providers by increasing the demand on existing and future facilities.

### **SCHOOL IMPACTS**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated February 26, 2003 (see Attachment 2). In a personal communication with planning staff on March 4, 2003 School District staff confirmed that the proposed amendment to Outlying Suburban would increase the potential density to two units per acre, or 120 units. These units would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the

South Region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that would need to be addressed in the permitting process through school impact fees.

### **VEGETATION & WILDLIFE**

The 60-acre parcel contains approximately 43 acres of high quality scrubby pine flatwoods, 0.7 acres of pine/oak scrub, 5 acres of pine flatwoods with melaleuca, 8 acres of melaleuca dominated wetlands, 1.7 acres of FPL transmission line easement, 1.2 acres of borrow pit/pond, and 0.8 acres of disturbed area. The property abuts the Estero Scrub Preserve along the entire length of the western and southern property lines.

The melaleuca dominated slough system crossing the eastern portion of the property is degraded vegetatively, however, the conveyance and stormwater storage capacity are important to this portion of the County. Restoration of the slough system would be beneficial to water quality, water storage, and wildlife. In fact, the state has begun restoration of this slough system to the south on the Estero Scrub Preserve property.

The property consists of habitat that may support Lee County listed species. The potential listed species include gopher tortoise, eastern indigo snake, gopher frog, southeastern American kestrel, red-cockaded woodpecker, Florida panther, Big Cypress fox squirrel, Florida black bear, fakahatchee burmanian, satinleaf, beautiful paw-paw, Florida coontie, American alligator, roseate spoonbill, limpkin, little blue heron, reddish egret, snowy egret, tricolored heron, and Everglades mink. Gopher tortoise burrows and scat were observed by Craig Schmittler, South Florida Water Management District, and Boylan Environmental Consultants staff.

### **COMMUNITY PARKS IMPACT**

The application provides the following concerning this issue:

*"The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero."*

In a memo from the Development Services Division dated May 16, 2001, County staff states,

*"The potential increased population is 126 residents. These residents will require 0.75 acres of regional parks to meet the required level of service (LOS) and 1.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the year 2004. However, the desired LOS will probably not be met in 2004."*

*"The residents will require 2.2 acres of community parks to meet the required LOS standard and 2.52 acres to meet the desired LOS standard. There is sufficient acreage to meet the required LOS standard throughout the year 2004. However, the desired LOS standard was not met in 1997. The only new park or addition planned in Community Park Impact Fee District 4 is a 3-acre addition at Bay Oaks Park on Ft Myers Beach which is not large enough to meet the desired LOS in 1998 or later."*



Although the proposed amendment would not create a park acreage deficit, it would make the goal of attaining the desired level of park space more difficult to achieve.

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following discussion concerning this issue:

*"Surface water management will be provided by a series of lakes, connecting culverts and out falls structures. All will be permitted through the South Florida Water management District and will comply with their rules and regulations."*

According to staff from Lee County Division of Natural Resources, surface water flows affecting this site are from northeast to southwest. While it may be perceived that flow go toward Mullock Creek, the system is very small and constricted. Staff believes the water flows crossing this site should be routed through this sites' water management system and outfall toward the FPL grade with culverts to allow the water flow to continue to the southwest through the State preserve.

## **COASTAL ISSUES**

Coastal issues are relevant to this application. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council, shows that approximately 2.2 acres of the subject property are located within the Category 1 storm surge zone. However, due to the generalized nature of the Storm tide atlas, 2.2 acres is a low estimate and does not accurately indicate the extent to which the subject property would be affected by coastal flooding. In particular, staff is concerned that the slough on the eastern side of the property would act as a conduit for storm surges coming up from Mullock Creek. These surges could not only flood part of the subject parcel, but would also lay across the only access way from the subject property to hurricane evacuation routes. According to communications with Dan Trescott of the Regional Planning Council, those portions of the subject property lower than 7.4 feet meet the criteria for the category 1 storm surge and should be in the Coastal High Hazard Area. This includes the Northwest corner of the property, the eastern portion of the northern half of the property as well as the southeast corner of the property (See Attachment 4). The topographic map of the subject property reveals that the slough areas are less than 7.4 feet in elevation and therefore should be within the Coastal High Hazard Area. The subject site is in the "Coastal Planning Area" as defined by the Lee Plan. All of the subject property is in the FIRM A Zone. The site is also within the Tidal Surge area of a 100-year storm according to Lee Plan Map 9: Defined 100-year Flood Plains (See Attachment 5). The site has a history of flooding as indicated on the Flood History Map supplied by Emergency Management Staff (See Attachment 6).

Lee Plan Policy 75.1.4 states:

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

The applicant is seeking to increase residential density over and above that which is currently permitted by the Rural designation of the subject property. The end result, if approved, is increased density and the

concurrent increase in population placed in an area subject to storm surge. Staff finds that doubling the number of permitted units on the subject property is inconsistent with the statement of "assignment of minimum allowable densities" in this policy.

In addition, Lee Plan Policy 5.1.2. states:

*"Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community."*

Staff finds that doubling the number of permitted units on the subject property is inconsistent with this policy. Furthermore, the applicant has not included any analysis or justification that the subject property (a portion of which is located in the Coastal High Hazard Area) is an appropriate location to increase densities from that currently envisioned and permitted by the Lee Plan.

In a memo dated February 13, 2003, John D Wilson of the Division of Public Safety states:

*"As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4."*

*"The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not consistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would remove this acreage from the amount the county currently receives credit for this particular activity."*

In the event of a category two hurricane, doubling the density of this property would also double the number of evacuating people from 109 to 218. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of people seeking shelter would double from 23 to 46.

## **POPULATION ACCOMMODATION ANALYSIS**

There are approximately 51.63 acres currently designated Rural on the property. Under the current designation, 51 dwelling units could be constructed in the Rural area. This Rural area accommodates 106 persons on the FLUM (51 X 2.09 persons per unit). There is .5 acre designated Urban community on this property. Under that designation, a maximum of 3 dwelling units could be built in that area. This equates to a population accommodation capacity of 6 persons (3 units X 2.09 persons per unit). There are 7.86 acres designated Wetland on the subject property. Since a minimum of 20 acres of Wetland is needed for a single unit, no dwelling units can be constructed in this area. Under current designation, 54 units total can be constructed on the subject property for a population accommodation capacity of 112 persons.

The proposed plan amendment would redesignate the Rural areas to Outlying Suburban with a maximum density of 2 units per acre. This would allow a maximum of 103 units to be built on the outlying suburban land. This would increase the Population accommodation capacity to 215 persons. The Urban Community

and Wetland areas would be unaffected and would still allow 3 units and zero units respectively. This would create a total of 106 dwelling units on the subject property and a population accommodation capacity of 221 persons under the proposed amendment. This would increase the population accommodation on the Future Land Use Map by 109 persons.

### **APPROPRIATENESS ANALYSIS**

The request is to redesignate 51.63 acres of a 60.324 acre parcel of land from a non-urban designation to a Future Urban designation. The applicant has not shown that the proposed land use category is appropriate for the subject site. The requested land use category, Outlying Suburban, is not adjacent to the site. As such, the proposed amendment represents "spot" planning. In addition, the proposal would also create approximately 51 acres of additional future urban area. Lee County currently has sufficient land designated future urban area and the applicant has not provided sufficient justification for more urban land at this time.

In 1989, The secretary of the Florida Department of Community Affairs defined sprawl as "premature, low-density development that 'leapfrogs' over land that is available for urban development." The subject property is in a rural designation and is situated just outside a future urban area designated Urban Community on the Future Land Use Map. The urban area between the subject property and US 41 currently contains low density residential and vacant parcels (attachment 3). As such, the proposed amendment would fit this definition of urban sprawl.

The site abuts a state-owned preservation area and as such the lower density non-urban category is more appropriate. Lee County has proposed no urban services for this site. Increasing the density would place a greater demand on a substandard local road and on US 41, which will be already overloaded by the year 2020. The applicant has not stated a clear planning basis for the requested change. Staff finds that the application's supporting documentation is insufficient to warrant this change.

### **B. CONCLUSIONS**

This proposed plan amendment is almost identical to previous Lee Plan amendment PAM98-06 that was denied by the Lee County Board of County Commissioners in January 2002. The only difference between the two applications is the new proposed language that would require connection to central sewer service and the use of clustering and the Planned Development Process. The issues and concerns that planning staff had with PAM98-06 are still relevant and have not been sufficiently addressed by the applicant. Staff's main concern is the presence of the slough flow-way on the eastern edge of the property and the property's vulnerability to flooding. Planning staff finds that there is no justification for the proposed amendment to Map 1, the Future Land Use Map, to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban. The proposed plan amendment does not remedy or mitigate any undesirable condition nor does it enhance or create any desirable conditions. Staff believes that the increased density is inappropriate for the area.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended as requested. This recommendation is based upon the previously discussed issues and conclusions of this analysis. See the finding of facts in Part I of this report.



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

DATE OF PUBLIC HEARING: March 24, 2003

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

Both planning staff and the applicant gave presentations. One LPA member asked if any specific clustering were being proposed. The applicant replied that there were no specific plans for the property but that the RPD process would be used. An LPA member stated that it would be possible for the applicant to get the desired number of units on a smaller piece of land at higher density, allowing much of the property to be preserved. The applicant replied that it was necessary to redesignate the entire property to achieve the proposed density of 2 units an acre.

Another LPA member asked for an update on an abutting 10-acre parcel known as the Smith Parcel. The applicant described the parcel as 7 acres of slough and 3 acres of upland. The applicant stated that a developer was due to purchase the property on April 15<sup>th</sup> and then swap it to the state in exchange for another parcel in the area.

Three residents of the neighborhood abutting the subject property spoke at the meeting. Among the concerns they expressed were:

- The increased number of people that would be exposed to flooding, storm surges and hurricanes.
- The increased danger of entering US 41 from Pine Road.
- The destruction of wildlife habitats.
- The increased traffic would increase the danger to neighborhood children and pets.

One citizen stated that there is a 30-40 signature petition on file at the commissioners office opposing the proposed expansion.

Board members asked if there were any plans to signalize the Pine Road/ US 41 intersection or if the additional 60 units would warrant a median. Staff replied that they did not know of any plans to signalize the intersection and it would not be possible to accommodate a median at that location.

Two board members expressed concern over increased urban area in the County and felt that the traffic issue had not been addressed. Another member felt that the applicant was reasonable in their efforts and that in the long run, the County was better off with a clustered development served by sewer.

One member stated that although the applicant had made an effort to sell the property to the state, he moved that the LPA find the proposed amendment inconsistent with the Lee Plan and recommend that the Board of County Commissioners not transmit the proposed amendment. This motion was seconded.

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

**1. RECOMMENDATION:**

The LPA recommends that the Board of County Commissioners **not** transmit this amendment.

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

The LPA found that despite the applicants efforts to meet planning staffs requests, the proposed plan amendment was inconsistent with the Lee Plan.

**C. VOTE:**

NOEL ANDRESS	NAY
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
DAN DELISI	NAY
RONALD INGE	ABSENT
GORDON REIGELMAN	AYE

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

DATE OF TRANSMITTAL HEARING: June 25, 2003

- A. **BOARD REVIEW:** Staff gave a brief presentation and the applicant addressed the Board. One commissioner stated that through it's own appraisal, the State had made it difficult for the board to deny transmittal. Another Commissioner asked about the affordable housing agreement between the applicant and the University. Larry Warner explained that the applicant could offer pre-sale arrangements to the University which could then sell units to University faculty members.

Heather Stafford of the Florida Department of Environmental Protection stated that the State is working with the applicant towards the acquisition of a portion of the 60-acre parcel. The County Attorney stated that the sale of the property could be limited by the State's own appraisals. A commissioner then mentioned that the Board was getting involved in things beyond it's purview and that planning staff and the Local Planning Agency had recommended not to transmit the proposed amendment.

The commissioner also stated that there were many issues that were not being addressed by the Board during the meeting. He asked staff what the main reasons were for recommending not to transmit the proposed amendment. Staff replied that Pine Road is a sub-standard road, the proposed amendment would add additional traffic onto US 41, that the proposal would double density in environmentally good habitat, and that there has been no demonstration of need for additional urban land in the County. The applicant stated that the proposed amendment would allow the land to be developed in a much more environmentally-friendly manner than it would be without the measures included in the proposed language.

A Commissioner moved to transmit the proposed amendment with the understanding that if it was adopted, it would require water and sewer service with no septic tanks at whatever density it is developed. Another Commissioner stated that implicit in the motion was that the property should include the Planned Development process if developed at higher than one unit per acre, that utilities would be mandatory at all densities, and that any development would be clustered with the balance of the land going into preservation. One Commissioner stated that he could not support the applicants proposal because the Staff recommendation was not to transmit.

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

1. **BOARD ACTION:** The Board of County Commissioners voted 3-2 to transmit the proposed Future Land Use Map amendment along with the following language modifications:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not



permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/ Estero Area must connect to a central sanitary sewer system if residential development is pursued on the property. In addition, if residential density in excess of 1 dwelling unit per acre is proposed, clustering must be utilized to enhance open space, buffers and to provide for an appropriate flow way. Compliance with the clustering standard must be demonstrated through the use of a planned development zoning district

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The majority of the Commissioners stated that the proposed amendment would allow the subject property to be developed in a more responsible and environmentally friendly manner.

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>ANDREW COY</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>NAY</u>
<b>DOUG ST. CERNY</b>	<u>NAY</u>

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

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

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**
- B. STAFF RESPONSE**

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

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

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**RAY JUDAH**

**BOB JANES**

**DOUG ST. CERNY**

_____
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**CPA2002-02  
PRIVATELY INITIATED  
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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**LPA Public Hearing Document  
for the  
March 24<sup>th</sup>, 2003 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*

**March 17, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2002-02**



Text Amendment



Map Amendment

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

STAFF REPORT PREPARATION DATE: March 17, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

ESTERO 60 ACRE LAND TRUST  
REPRESENTED: BY WAYNE ARNOLD,  
Q. GRADY MINOR AND ASSOCIATES

**2. REQUEST:**

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, to amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property. The applicant proposes the following text amendment:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities,

commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. For lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, connection to a central sanitary sewer system shall be required if residential development occurs at a density exceeding 1 dwelling unit per acre, and clustering shall be utilized if residential development occurs at a density exceeding 1 unit per acre to enhance open spaces and buffers and to provide for an appropriate flow way. Compliance with the above clustering standards shall be demonstrated through the use of the planned development zoning district.

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

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** In addition to the various conclusions contained in this Staff Analysis, staff offers the following as the basis and recommended findings of fact:
  - The requested land use category is not adjacent to the site.
  - The need for additional urban area within the County has not been justified by the applicant.
  - Based on the 2020 FSUTMS model run, even with all planned improvements, U.S. 41 will operate at LOS F in the year 2020. The proposed increase in density would add 59 trips in the P.M. peak hour. This would worsen an already burdened section of major roadway.
  - Access to the property is through an existing residential area to the east. Furthermore, the access road is substandard and the access is problematic where the Right of Way intersects existing roads.



- All portions of the property less than 7.4 feet in elevation meet the criteria of the Coastal high Hazard Area.
- Access is further limited by the north-south configured slough flow-way on the eastern edge of the property.
- This slough could act as a conduit for storm surges coming up from Mullock Creek.
- This property is within the Tidal Surge area depicted on Lee Plan Map 9: Defined 100-year Flood Plains.
- The property abuts the Estero Scrub Preserve, a state-owned conservation area, to the south and west.
- Increasing residential density from one unit per acre to two units per acre would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels.
- The proposal would add 2.4 minutes to the hurricane evacuation time.
- The proposal would double the number of vehicles evacuating in a hurricane from 58 to 116 and the number of people evacuating from 109 to 218.
- The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46.
- The proposal would double the amount of hurricane shelter space needed in a category 2 hurricane from 460 square feet to 920.
- The majority of the property contains high quality native uplands.
- The property contains habitat for Lee County listed species.
- The proposed amendment is inconsistent with Lee Plan Policies 75.1.4 and 5.1.2 which seek to limit development in the Coastal High Hazard Area.
- A nearly identical proposal was denied by the Board of County Commissioners in January 2002.
- Remaining upland portions of the property are essentially an island surrounded by the Coastal High Hazard Area.

**C. BACKGROUND INFORMATION**

**1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 60.324 acres.

**PROPERTY LOCATION:** The site is generally located at the end of Pine Road, west of U.S. 41 in Estero.

**EXISTING USE OF LAND:** The subject property is currently vacant.

**CURRENT ZONING:** AG-2.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Rural, Urban Community and Wetlands.

**2. INFRASTRUCTURE AND SERVICES**

**WATER & SEWER:** The subject property is located in the Gulf Environmental Services, Inc., franchise area for potable water service. Conversations with personnel at the water utility indicate that adequate flow and pressure are available. The nearest water main is a 10 inch line running along the south side of Pine Road from US 41 to the western end of Pine Road, terminating approximately 670 feet from the property. Staff has confirmed with personnel at Gulf Environmental Services Inc. that the water treatment plant for the area has sufficient capacity for the proposed additional 60 units.

The subject property is also located in the Gulf Environmental Services, Inc., franchise area for sanitary sewer service. According to the application, "Sanitary sewer will be extended to the site and utilized." The nearest sewer line is a force main on the east side of US 41 and connecting to it would require an investment in infrastructure for new lines and force pumps. Planning staff notes that Lee Plan Standards 11.1 and 11.2 provide for mandatory connections when certain development thresholds are achieved. The proposed density increase would fall below the 2.5 units per acre threshold for mandatory connection to sanitary sewer lines. However, the applicant has proposed language that would make sewer connections mandatory for the subject property.

On June 30<sup>th</sup> 2003 Lee County Utilities will take over services from Gulf Environmental Services. Staff does not anticipate any difficulties or changes in the level of service from this change.

**FIRE:** The property is located in the San Carlos Fire Protection and Rescue Service District.

**TRANSPORTATION:** The subject property currently has access to an unimproved dirt trail which is covered by easements connecting it to Pine Road, on the west side of U.S. 41.

**SOLID WASTE FRANCHISE:** Gulf Disposal Inc.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant, Estero 60 Acre Land trust, represented by Wayne Arnold, is requesting a change of future land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for 51.63 acres of a 60.324 acre parcel of land (attachments 1A and 1B). The applicant is also requesting an amendment to the Lee Plan that would limit the property to a maximum density of two units per acre and would require that any future development to connect to central sewer services. The site is located west of the current terminus of Pine Road west of U.S. 41 in Estero, in Section 20, Township 46 South, Range 25 East. If the amendment is approved the permissible density would increase from a maximum standard density of 1 du/acre to 2 du/ac, a 100 percent increase.

This proposal is nearly identical to proposed Lee Plan Amendment PAM98-06. That proposed amendment was denied by the Lee County Board of County Commissioners in January 2002. The only difference between PAM98-06 and this proposed amendment is the additional proposed language requiring the subject property to connect to central sewer service and the use of clustering and the planned development process.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was shown as being located in the "Rural" and "Urban Community" land use categories. Only that portion of the property lying to the east of Mullock Creek was designated Urban Community which accounts for only a small triangle in the extreme southeast corner. Subsequent Future Land Use Map amendments and administrative interpretations redesignated the slough system on the eastern side of the property and other scattered spots to Wetlands. This created 7.86 acres of Wetland designation and resulted in an even a smaller portion (.5 acre) of the property being designated Urban Community. There are approximately 51.63 acres currently designated Rural on the property. The future land use designations of this property were not affected by the Estero/Corkscrew Road Area Study of 1987.

#### **ADJACENT ZONING AND USES**

Immediately to the north of this parcel are 9 vacant acres of a 31 acre parcel in the Shady Acres RV Park, with AG-2, MH-2, and RV-3 zoning. North of that parcel is a subdivided portion of Shady Acres with MH-1 zoning. These parcels are designated as Rural, Wetlands, and/or Urban Community. Immediately to the east of the subject parcel are several parcels zoned AG-2 and RS-3. Some are vacant, and others have low density residential uses. These parcels are designated Wetlands and Urban Community. Two parcels have churches on them. The first church is a Congregation of Jehovah's Witnesses on the north side of Pine Road. Further east on the south side of Pine Road is Crossway Baptist Church. To the south and the west is the Estero Scrub Preserve, a conservation area and part of the state-owned Estero Aquatic Preserve. To the east is a 10 acre vacant parcel that is part of a slough system feeding into Mullock Creek. This parcel is part of an ongoing land swap between the Trustees for Internal Improvement Trust Fund (TIITF) and the parcels owner. The 10 acre parcel is being given to the state in exchange for TIITF-owned land along US41. The 10 acres will then become part of the Estero Scrub Preserve. The significance of this swap is that if it goes through it will cause the subject property to become bordered by the Estero Scrub



Preserve on three sides. This will further isolate the property from nearby residential land. As of this report, the swap is still pending.

### **TRANSPORTATION ISSUES**

Proposed Lee Plan Amendment PAM 98-06 was a part of the 2001-02 Regular Plan Amendment Cycle. The Lee County Department of Transportation (DOT) reviewed that request and provided Planning staff written comments dated December 14, 1998 (see Attachment 2). The Department of Transportation raised four questions/comments which are relevant to this proposed amendment. The property will use Pine Road to access U.S. 41. DOT notes that, based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020, even with all of the planned transportation improvements in place. In a memo dated February 6, 2001, DOT staff states that a density increase of 1 unit/acre to 2 units per acre will result in an additional 59 trips in the P.M. peak hour, but this will not change the future road network plans. Although the number of trips generated will not be very large, it will exacerbate an already bad situation. Planning staff questions the validity of doubling the density on this property when it is known that there is a future LOS problem on a major roadway link affected by this property.

DOT also raises a potential problem with north bound traffic exiting the property making a U-turn at the intersection of U.S. 41 and Breckenridge.

Pine Road itself is a substandard roadway, measuring only about 20 feet wide with soft shoulders and a drainage ditch on the north side.

An additional concern is the configuration of the access from Pine Road. Several access points intersect at this point. This includes the easement to the subject property, Allaire Lane to the south, Pine Road to the east, the entrance way to the residential property to the southwest, an unimproved approach running north from the intersection, and access ways from the residence to the northwest and the Jehovah's Witness church northeast of the intersection.

### **Mass Transit**

The application provided the following regarding Mass transit during the PAM 98-06 plan amendment:

*"The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary."*

In a memo dated February 20, 2003, Steve Myers of LeeTran reaffirmed that the proposed amendment will have no effect on existing or planned LeeTran services (see Attachment 2).

### **PUBLIC SAFETY ISSUES**

The applicant and Planning staff requested letters from the public safety and service providers (see Attachment 2). The purpose of these letters is to determine the adequacy of existing or proposed support facilities.

### **Emergency Management - Hurricane Evacuation/Shelter Impacts**

Lee County Emergency Management (EM) staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments dated February 20, 2001 (see Attachment 2). These comments are relevant

to this proposed amendment. Many portions of the subject property meet the criteria for the Category 1 evacuation area. Doubling the allowable density on a property located in a Category 1 evacuation area, according to the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, would add 2.4 minutes to the exiting evacuation time. The increased density would also double the number of people seeking shelter in a category 2 hurricane from 23 to 46 and double the amount of shelter space needed from 460 square feet to 920. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of evacuating people would double from 109 to 218.

### **Fire Service Impact**

The subject parcel is located within the San Carlos Fire Protection and Rescue Service District. In a May 29, 2001 conversation with staff, Chief Ippolito of the San Carlos Fire Protection and Rescue Service District stated his objection to the proposed increase in Density due to the single access and the substandard nature of Pine Road. This concern was reaffirmed in a conversation with San Carlos Fire Protection staff on March 14, 2003.

### **Emergency Medical Services (EMS) Impact**

EMS staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments. Those comments are relevant to this proposed amendment. In a letter dated October 15, 1998, the EMS Program Manager stated:

*"If the above named parcel is changed to Outlying Suburban from Rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit /3 dwelling units per acre) The Residents could generate 45 calls annually for EMS resources."*

*"Without a site plan showing ingress/egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances/personnel are acquired according to current budgetary plans."*

Planning staff is concerned that an average response time of six minutes is excessive. The Lee Plan's non-regulatory EMS standard, as contained in Policy 70.1.3, provides for "a five and one half (5½) minute average response time."

### **Public Safety Conclusion**

From the above reviews, planning staff concludes that the requested land use change will have an impact on public safety service providers by increasing the demand on existing and future facilities.

### **SCHOOL IMPACTS**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated February 26, 2003 (see Attachment 2). In a personal communication with planning staff on March 4, 2003 School District staff confirmed that the proposed amendment to Outlying Suburban would increase the potential density to two units per acre, or 120 units. These units would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition

of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that would need to be addressed in the permitting process through school impact fees.

### **VEGETATION & WILDLIFE**

The 60-acre parcel contains approximately 43 acres of high quality scrubby pine flatwoods, 0.7 acres of pine/oak scrub, 5 acres of pine flatwoods with melaleuca, 8 acres of melaleuca dominated wetlands, 1.7 acres of FPL transmission line easement, 1.2 acres of borrow pit/pond, and 0.8 acres of disturbed area. The property abuts the Estero Scrub Preserve along the entire length of the western and southern property lines.

The melaleuca dominated slough system crossing the eastern portion of the property is degraded vegetatively, however, the conveyance and stormwater storage capacity are important to this portion of the County. Restoration of the slough system would be beneficial to water quality, water storage, and wildlife. In fact, the state has begun restoration of this slough system to the south on the Estero Scrub Preserve property.

The property consists of habitat that may support Lee County listed species. The potential listed species include gopher tortoise, eastern indigo snake, gopher frog, southeastern American kestrel, red-cockaded woodpecker, Florida panther, Big Cypress fox squirrel, Florida black bear, fakahatchee burmanian, satinleaf, beautiful paw-paw, Florida coontie, American alligator, roseate spoonbill, limpkin, little blue heron, reddish egret, snowy egret, tricolored heron, and Everglades mink. Gopher tortoise burrows and scat were observed by Craig Schmittler, South Florida Water Management District, and Boylan Environmental Consultants staff.

### **COMMUNITY PARKS IMPACT**

The application provides the following concerning this issue:

*"The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero."*

In a memo from the Development Services Division dated May 16, 2001, County staff states,

*"The potential increased population is 126 residents. These residents will require 0.75 acres of regional parks to meet the required level of service (LOS) and 1.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the year 2004. However, the desired LOS will probably not be met in 2004."*

*"The residents will require 2.2 acres of community parks to meet the required LOS standard and 2.52 acres to meet the desired LOS standard. There is sufficient acreage to meet the required LOS standard throughout the year 2004. However, the desired LOS standard was not met in 1997. The only new park or addition planned in Community Park Impact Fee District 4 is a 3-acre addition at Bay Oaks Park on Ft Myers Beach which is not large enough to meet the desired LOS in 1998 or later."*

Although the proposed amendment would not create a park acreage deficit, it would make the goal of attaining the desired level of park space more difficult to achieve.



## **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following discussion concerning this issue:

*"Surface water management will be provided by a series of lakes, connecting culverts and out falls structures. All will be permitted through the South Florida Water management District and will comply with their rules and regulations."*

According to staff from Lee County Division of Natural Resources, surface water flows affecting this site are from northeast to southwest. While it may be perceived that flow go toward Mullock Creek, the system is very small and constricted. Staff believes the water flows crossing this site should be routed through this sites' water management system and outfall toward the FPL grade with culverts to allow the water flow to continue to the southwest through the State preserve.

## **COASTAL ISSUES**

Coastal issues are relevant to this application. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council, shows that approximately 2.2 acres of the subject property are located within the Category 1 storm surge zone. However, due to the generalized nature of the Storm tide atlas, 2.2 acres is a low estimate and does not accurately indicate the extent to which the subject property would be affected by coastal flooding. In particular, staff is concerned that the slough on the eastern side of the property would act as a conduit for storm surges coming up from Mullock Creek. These surges could not only flood part of the subject parcel, but would also lay across the only access way from the subject property to hurricane evacuation routes. According to communications with Dan Trescott of the Regional Planning Council, those portions of the subject property lower than 7.4 feet meet the criteria for the category 1 storm surge and should be in the Coastal High Hazard Area. This includes the Northwest corner of the property, the eastern portion of the northern half of the property as well as the southeast corner of the property (See Attachment 4). The topographic map of the subject property reveals that the slough areas are less than 7.4 feet in elevation and therefore should be within the Coastal High Hazard Area. The subject site is in the "Coastal Planning Area" as defined by the Lee Plan. All of the subject property is in the FIRM A Zone. The site is also within the Tidal Surge area of a 100-year storm according to Lee Plan Map 9: Defined 100-year Flood Plains (See Attachment 5). The site has a history of flooding as indicated on the Flood History Map supplied by Emergency Management Staff (See Attachment 6).

Lee Plan Policy 75.1.4 states:

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

The applicant is seeking to increase residential density over and above that which is currently permitted by the Rural designation of the subject property. The end result, if approved, is increased density and the concurrent increase in population placed in an area subject to storm surge. Staff finds that doubling the number of permitted units on the subject property is inconsistent with the statement of "assignment of minimum allowable densities" in this policy.

In addition, Lee Plan Policy 5.1.2. states:

*"Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community."*

Staff finds that doubling the number of permitted units on the subject property is inconsistent with this policy. Furthermore, the applicant has not included any analysis or justification that the subject property (a portion of which is located in the Coastal High Hazard Area) is an appropriate location to increase densities from that currently envisioned and permitted by the Lee Plan.

In a memo dated February 13, 2003, John D Wilson of the Division of Public Safety states:

*"As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4."*

*"The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not consistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would remove this acreage from the amount the county currently receives credit for this particular activity."*

In the event of a category two hurricane, doubling the density of this property would also double the number of evacuating people from 109 to 218. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of people seeking shelter would double from 23 to 46.

#### **POPULATION ACCOMMODATION ANALYSIS**

There are approximately 51.63 acres currently designated Rural on the property. Under the current designation, 51 dwelling units could be constructed in the Rural area. This Rural area accommodates 106 persons on the FLUM (51 X 2.09 persons per unit). There is .5 acre designated Urban community on this property. Under that designation, a maximum of 3 dwelling units could be built in that area. This equates to a population accommodation capacity of 6 persons (3 units X 2.09 persons per unit). There are 7.86 acres designated Wetland on the subject property. Since a minimum of 20 acres of Wetland is needed for a single unit, no dwelling units can be constructed in this area. Under current designation, 54 units total can be constructed on the subject property for a population accommodation capacity of 112 persons.

The proposed plan amendment would redesignate the Rural areas to Outlying Suburban with a maximum density of 2 units per acre. This would allow a maximum of 103 units to be built on the outlying suburban land. This would increase the Population accommodation capacity to 215 persons. The Urban Community and Wetland areas would be unaffected and would still allow 3 units and zero units respectively. This would create a total of 106 dwelling units on the subject property and a population accommodation

capacity of 221 persons under the proposed amendment. This would increase the population accommodation on the Future Land Use Map by 109 persons.

### **APPROPRIATENESS ANALYSIS**

The request is to redesignate 51.63 acres of a 60.324 acre parcel of land from a non-urban designation to a Future Urban designation. The applicant has not shown that the proposed land use category is appropriate for the subject site. The requested land use category, Outlying Suburban, is not adjacent to the site. As such, the proposed amendment represents "spot" planning. In addition, the proposal would also create approximately 51 acres of additional future urban area. Lee County currently has sufficient land designated future urban area and the applicant has not provided sufficient justification for more urban land at this time.

In 1989, The secretary of the Florida Department of Community Affairs defined sprawl as "premature, low-density development that 'leapfrogs' over land that is available for urban development." The subject property is in a rural designation and is situated just outside a future urban area designated Urban Community on the Future Land Use Map. The urban area between the subject property and US 41 currently contains low density residential and vacant parcels (attachment 3). As such, the proposed amendment would fit this definition of urban sprawl.

The site abuts a state-owned preservation area and as such the lower density non-urban category is more appropriate. Lee County has proposed no urban services for this site. Increasing the density would place a greater demand on a substandard local road and on US 41, which will be already overloaded by the year 2020. The applicant has not stated a clear planning basis for the requested change. Staff finds that the application's supporting documentation is insufficient to warrant this change.

### **B. CONCLUSIONS**

This proposed plan amendment is almost identical to previous Lee Plan amendment PAM98-06 that was denied by the Lee County Board of County Commissioners in January 2002. The only difference between the two applications is the new proposed language that would require connection to central sewer service and the use of clustering and the Planned Development Process. The issues and concerns that planning staff had with PAM98-06 are still relevant and have not been sufficiently addressed by the applicant. Staff's main concern is the presence of the slough flow-way on the eastern edge of the property and the property's vulnerability to flooding. Planning staff finds that there is no justification for the proposed amendment to Map 1, the Future Land Use Map, to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban. The proposed plan amendment does not remedy or mitigate any undesirable condition nor does it enhance or create any desirable conditions. Staff believes that the increased density is inappropriate for the area.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended as requested. This recommendation is based upon the previously discussed issues and conclusions of this analysis. See the finding of facts in Part I of this report.



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

DATE OF PUBLIC HEARING: March 24, 2003

**A. LOCAL PLANNING AGENCY REVIEW**

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

1. **RECOMMENDATION:**

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

**C. VOTE:**

NOEL ANDRESS

SUSAN BROOKMAN

BARRY ERNST

RONALD INGE

GORDON REIGELMAN

VIRGINIA SPLITT

GREG STUART

_____
_____
_____
_____
_____
_____
_____

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

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

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**RAY JUDAH**

**BOB JANES**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

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

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

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

**B. STAFF RESPONSE**



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

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

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**RAY JUDAH**

**BOB JANES**

**DOUG ST. CERNY**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**LEE COUNTY**  
SOUTHWEST FLORIDA

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 ☐ 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: 9

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.

July 2, 2003

DATE

  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

## I. APPLICANT/AGENT/OWNER INFORMATION

131 Group  
APPLICANT

9167 Brendan Lake Court  
ADDRESS

Bonita Springs FL 34135  
CITY STATE ZIP

239-390-1402 239-390-1402  
TELEPHONE NUMBER FAX NUMBER

D. Wayne Arnold, Q. Grady Minor and Associates, P.A.  
AGENT\*

3800 Via Del Rey  
ADDRESS

Bonita Springs FL 34134  
CITY STATE ZIP

239-947-1144 239-947-0375  
TELEPHONE NUMBER FAX NUMBER

131 Group  
OWNER(s) OF RECORD

9167 Brendan Lake Court  
ADDRESS

Bonita Springs FL 34135  
CITY STATE ZIP

239-390-1402 239-390-1402  
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  
One

B. SUMMARY OF REQUEST (Brief explanation):

Change existing Rural Classification to Outlying Suburban. Surrounding land  
use classifications and existing uses have land use densities equal to or greater  
than Outlying Suburban. Rural is not consistent with surrounding area.

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

A. Property Location:

1. Site Address: 4800 Pine Road
2. STRAP(s): 20-46-25-01-00009.0000

B. Property Information

Total Acreage of Property: 60.324±

Total Acreage included in Request: 60.324±

Area of each Existing Future Land Use Category: 60.324±

Total Uplands: 52.424± acres (includes 1.0 acre lake)

Total Wetlands: 7.9±

Current Zoning: AG-2

Current Future Land Use Designation: Rural

Existing Land Use: Vacant

- 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:* NA

*Airport Noise Zone 2 or 3:* NA

*Acquisition Area:* NA

*Joint Planning Agreement Area (adjoining other jurisdictional lands):* NA

*Community Redevelopment Area:* NA

- D. Proposed change for the Subject Property:

Outlying Suburban

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 60 dwelling units; 1.0 D.U. / Acre

Commercial intensity Maximum 100,000 square feet

Industrial intensity Not permitted

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 180 dwelling units; 3.0 D.U. / Acre

Commercial intensity Maximum 100,000 square feet

Industrial intensity Not permitted

#### 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, D. Wayne Arnold, Q. Grady Minor and Associates, P.A., 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.



Signature of owner or owner-authorized agent

July 2, 2003

Date

D. Wayne Arnold

Typed or printed name

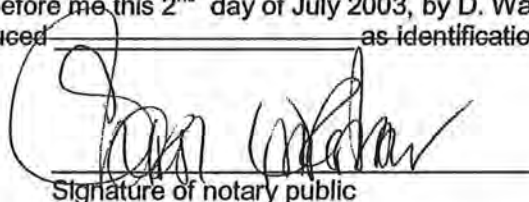
STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 2<sup>nd</sup> day of July 2003, by D. Wayne Arnold, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Sharon Umpenhour  
Commission # DD 076492  
Expires Dec. 4, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

  
Signature of notary public

Sharon Umpenhour

Printed name of notary public

ANDREW P. DESALVO

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 04th day of SEPTEMBER 2002  
by ANDREW P. DESALVO, who is personally known to me or who has produced  
as identification.

(SEAL)



Sharon Umphenour  
Commission # DD 076492  
Expires Dec. 4, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

*Sharon Umphenour*

Signature of notary public

Printed name of notary public

**AFFIDAVIT**

I, ANDREW P. DESALVO, 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.

AP Desalvo, Trustee  
Signature of owner or owner-authorized agent

9-24-02  
Date

ANDREW P. DESALVO  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 24<sup>th</sup> day of SEPTEMBER 2002, by ANDREW P. DESALVO, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Sharon Umpenhour  
Commission # DD 076492  
Expires Dec. 4, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

Sharon Umpenhour  
Signature of notary public

\_\_\_\_\_  
Printed name of notary public



## **LIST OF CONSULTANTS**

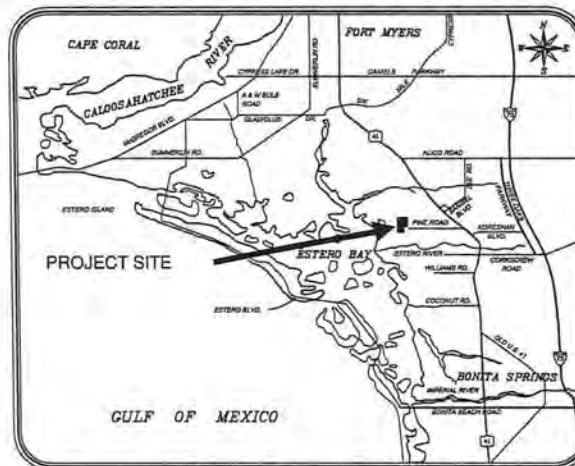
Rae Ann Boylan  
Boylan Environmental Consultants, Inc.  
11000 Metro Parkway, Suite 4  
Fort Myers, FL 33912  
(239) 418-0671

# ESTERO 60 ACRE LAND TRUST COMPREHENSIVE PLAN AMENDMENT

LOCATED IN:  
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
ESTERO, LEE COUNTY, FLORIDA

## OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135



LOCATION MAP

## INDEX OF EXHIBITS

<u>DWG. No.</u>	<u>DESCRIPTION</u>
1	COVER SHEET AND INDEX OF EXHIBITS
2	FUTURE LAND USE MAP PROPOSED
3	EXISTING LAND USE & ZONING MAP
4	SOILS MAP
5	ARCHAEOLOGICAL AND TOPOGRAPHIC MAP
6	WETLAND MAP

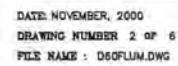
## PREPARED BY:



**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
3800 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134  
PHONE : (941) 947-1144 FAX : (941) 947-0375  
SURVEYING CERTIFICATE OF AUTHORIZATION IS 000513  
SURVEYING CERTIFICATE OF AUTHORIZATION IS 000513

DATE: NOVEMBER, 2000  
REVISION DATE :  
FILE: D60ECOVN  
DRAWING NUMBER: 1 OF 8

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**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
2010 VIA DEL REY  
DUNTA SPRING, FLORIDA 34134  
PHONE: (813) 847-1144 FAX: (813) 847-0270  
ENGINEERING OFFICE OF ARCHITECTURE & ENGINEERING

DATE: NOVEMBER, 2000  
DRAWING NUMBER 3 OF 6  
FILE NAME : D60ELUZM.DWG

# ESTERO 60 ACRE LAND TRUST

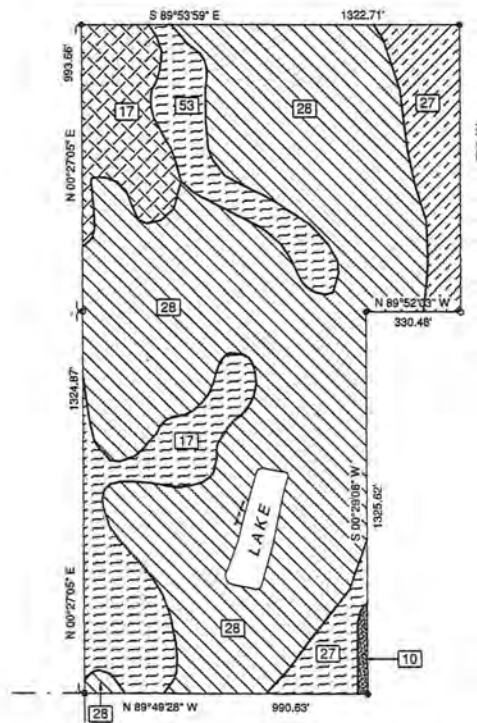
## SOILS MAP



### SOIL CLASSIFICATION

- 10 - POMPANO FINE SAND
- 17 - DAYTONA SAND
- 27 - POMPANO FINE SAND, DEPRESSIONAL
- 28 - IMMOKALEE SAND
- 53 - MYAKKA FINE SAND, DEPRESSIONAL

SOILS DETERMINATION FROM SOIL SURVEY OF LEE COUNTY, FLORIDA; SOIL CONSERVATION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE.



### OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135

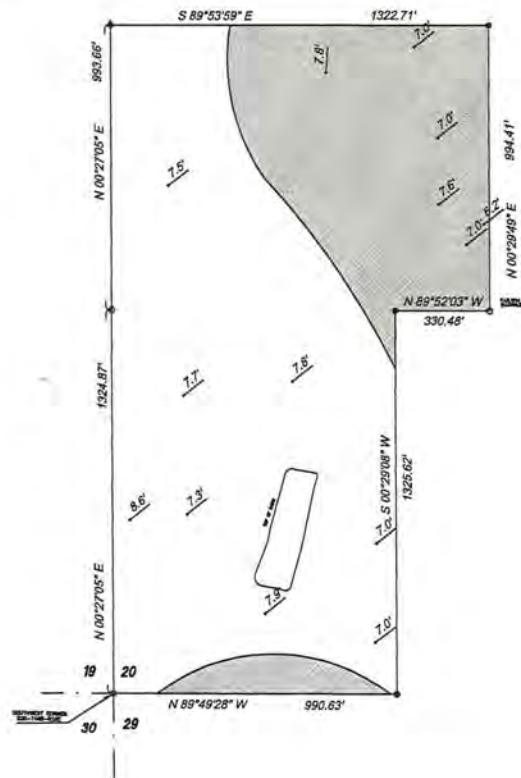


Q. GRADY MINOR AND ASSOCIATES, P.A.  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
3806 W. 1st AVE. SUITE 100  
FORT MYERS, FLORIDA 34904  
PHONE: (844) 847-0144 FAX: (844) 847-0176  
E-MAIL: QGM@QGM.COM  
FLORIDA CERTIFICATE OF PROFESSIONAL ENGINEERING NO. 12000

DATE: SEPTEMBER, 2000  
DRAWING NUMBER: 4 OF 5  
FILE NAME: D60S01.DWG

# ESTERO 60 ACRE LAND TRUST

## ARCHAEOLOGICAL AND TOPOGRAPHIC MAP



### LEGEND

7.5

N.G.V.D. 1929



SENSITIVITY LEVEL 2

ENTIRE PARCEL WITHIN 100 YEAR FLOOD BOUNDARY

### NOTES

ELEVATION DETERMINATION TAKEN FROM LEE COUNTY AERIAL PHOTOGRAPH, ELEVATIONS COMPILED BY PHOTOGRAMMETRIC METHODS BY HAMRICK AERIAL SURVEYS, INC. DATE OF MAPPING, SEPTEMBER 1981. ELEVATIONS BASED ON USC & GS DATUM.

SENSITIVITY ZONE DETERMINATION TAKEN FROM LEE COUNTY ARCHAEOLOGICAL SENSITIVITY MAP.

100-YEAR FLOOD BOUNDARY TAKEN FROM FIRM (FLOOD INSURANCE RATE MAP), COMMUNITY- PANEL NUMBER 125124 O455 B, EFFECTIVE DATE, SEPTEMBER 19, 1984.

### OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135

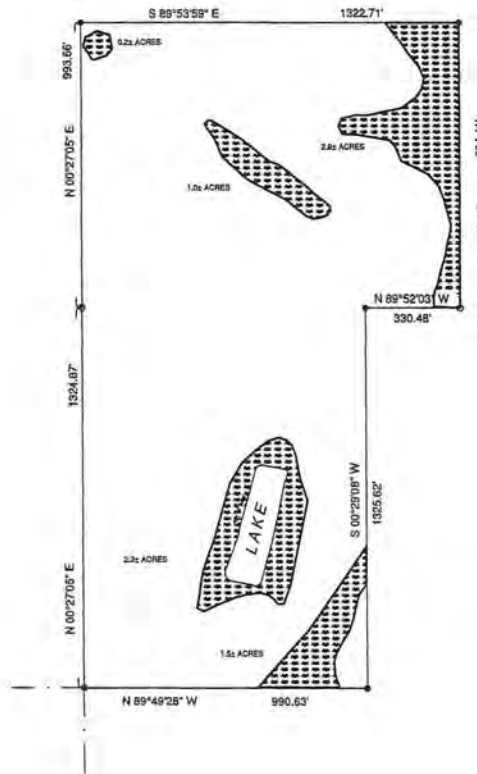


Q. GRADY MINOR AND ASSOCIATES, P.A.  
CIVIL ENGINEERS & LAND SURVEYORS • PLANNERS  
P.O. BOX 100, SUITE 100  
BONITA SPRINGS, FLORIDA 34134  
PHONE: (904) 847-1444 FAX: (904) 847-0018  
EXHIBITION CERTIFICATE OF AUTHORIZATION NO. 00000  
EXHIBITION CERTIFICATE OF AUTHORIZATION NO. 00000

DATE: NOVEMBER, 2000  
DRAWING NUMBER: 5 OF 6  
FILE NAME: D60TOPOM.DWG



# ESTERO 60 ACRE LAND TRUST WETLAND MAP



WETLAND DETERMINATION PROVIDED BY :  
BOYLAN ENVIRONMENTAL CONSULTANTS, INC.

## LEGEND



MELALEUCA WETLAND

OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135



Q. GRADY MINOR AND ASSOCIATES, P.A.  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
1000 W. 10th St.  
Bonita Springs, Florida 34135  
PHONE : (248) 847-1144 FAX : (248) 847-1078  
PROFESSIONAL CERTIFICATE OF REGISTRATION IN FLORIDA  
EXPIRATION DATE: 12/31/2000

DATE: NOVEMBER, 2000  
DRAWING NUMBER 5 OF 6  
FILE NAME : D60WETM.DWG







6.00 - REC.  
~~3572.10 - docs~~  
~~3572.10 - docs~~

4481863

This Document Prepared By and Return to:  
 RALPH A. RICHARDSON  
 Attorney at Law  
 27726 Old 41 Road, Ste. 104  
 Bonita Springs, FL 34135

Parcel ID Number: 20-46-25-01-00009.0000 WOL  
 Owner #1 TIN:  
 Grantor #2 TIN:

DR3019 960677

## Personal Representative's Deed

This Indenture, is made this 24<sup>th</sup> day of September, 1998, by and between  
 PAUL F. SMITH, individually, a single person, and

as Personal Representative of the Estate of MABEL T. STEPHENS, a/k/a MABEL STEPHENS, deceased, Grantor, and  
 A. P. DeSALVO, as Trustee a/k/a MABEL T. STEVENS

whose post office address is: 3960 Via Del Ray, Bonita Springs, Florida 34134

of the County of Lee State of Florida, Grantor.  
 Witnesseth: Grantor, pursuant to Order Authorizing Sale dated August 27th, 1998, and in consideration of the sum  
 of One Dollar (\$1.00) paid to Grantor by Grantee, receipt of which is acknowledged, grants, bargains and sells to Grantee, and Grantee's heirs,  
 successors and assigns forever, the real property in Lee County, Florida, described as

Lots 6 - 11, of that certain subdivision known as SAN CARLOS GROVE  
 TRACT, according to the map or plat thereof on file and recorded in  
 the office of the Clerk of the Circuit Court in Plat Book 4, page 75,  
 public records of Lee County, Florida.

Subject to restrictions, reservations and easements of record, if  
 any, and taxes subsequent to 1997.

RECORDED BY  
 JOANNE MILLER, D.C.

Documentary Tax Pd. 3572.60  
 Intangible Tax Pd.  
 CHARLIE GREEN, CLERK, LEE COUNTY  
 Deputy Clerk

CHARLIE GREEN, CLERK  
 LEE COUNTY, FL

OCT-2 PM 3:19

Together with all and singular the tenements, hereditaments, and appurtenances belonging or in anywise appertaining to the real property.  
 To Have And To Hold the same to Grantee, and Grantee's heirs, successors and assigns, in fee simple forever.  
 And Grantor does covenant to and with the Grantee, and Grantee's heirs, successors and assigns, that in all things preliminary to and in and about  
 this conveyance, Order Authorizing Sale dated August 27th, 1998, and the laws of the State of Florida have been  
 followed and complied with in all respects.  
 In Witness Whereof, the undersigned, as personal representative of the estate of said decedent, has executed this instrument under seal on  
 the date aforesaid.

Signed, sealed and delivered in our presence:

Ralph A. Richardson  
 Printed Name: Ralph A. Richardson  
 Witness

Terryella L. Houston  
 Printed Name: Terryella L. Houston  
 Witness

Paul F. Smith (Seal)  
 PAUL F. SMITH, as Personal Representative  
 P.O. Address: POST OFFICE BOX 434  
 ESTERO, FLORIDA 33928  
Paul F. Smith (Seal)  
 PAUL F. SMITH, individually  
 P.O. Address: POST OFFICE BOX 434  
 ESTERO, FLORIDA 33928

STATE OF Florida  
 COUNTY OF Lee

The foregoing instrument was acknowledged before me this 24th day of September, 1998 by  
 PAUL F. SMITH

as personal representative of the estate of MABEL T. STEPHENS  
 He is personally known to me or he has produced his

Walter C. Kelly  
 Notary Public  
 My Comm. Exp. 12/31/99  
 (S.E. 1/2 Sec. 36, T. 1N, R. 1E, S. 1E)

Walter C. Kelly  
 Printed Name: Walter C. Kelly  
 Notary Public



#### **SECTION IV.B.1. TRAFFIC CIRCULATION**

The property is served by Pine Road, a two-lane local road. The right-of-way width varies. Much of the property along Pine Road is currently vacant. Traffic counts are not available for Pine Road, but would be expected to be well above LOS C volumes. The proposed project is expected to add less than 200 peak hour trips to the local road. Addition of this volume of traffic would not be expected to reduce the level of service for the roadway. It is not expected that the requested designation would require any revisions to Traffic Circulation or Capital Improvements elements.

SUMMARY OF TRIP GENERATION CALCULATION  
FOR 180 DWELLING UNITS OF SINGLE FAMILY DWELLINGS  
9-22-98

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	9.89	0.00	1.00	1780
7-9 AM PK HR ENTER	0.19	0.00	1.00	34
7-9 AM PK HR EXIT	0.56	0.00	1.00	102
7-9 AM PK HR TOTAL	0.75	0.00	1.00	135
4-6 PM PK HR ENTER	0.65	0.00	1.00	117
4-6 PM PK HR EXIT	0.36	0.00	1.00	66
4-6 PM PK HR TOTAL	1.01	0.00	1.00	182
SATURDAY 2-WAY VOL	10.09	0.00	1.00	1816
PK HR ENTER	0.51	0.00	1.00	92
PK HR EXIT	0.44	0.00	1.00	78
PK HR TOTAL	0.95	0.00	1.00	171
SUNDAY 2-WAY VOL	8.77	0.00	1.00	1578
PK HR ENTER	0.47	0.00	1.00	85
PK HR EXIT	0.42	0.00	1.00	75
PK HR TOTAL	0.89	0.00	1.00	160

Note: A zero rate indicates no rate data available

The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .92LN(X) + 2.707, R^2 = .96$   
7-9 AM Peak Hr. Total:  $T = .7(X) + 9.477$   
 $R^2 = .89, .25$  Enter,  $.75$  Exit  
4-6 PM Peak Hr. Total:  $LN(T) = .901LN(X) + .527$   
 $R^2 = .91, .64$  Enter,  $.36$  Exit  
AM Gen Pk Hr. Total:  $T = .704(X) + 12.09$   
 $R^2 = .89, .25$  Enter,  $.75$  Exit  
PM Gen Pk Hr. Total:  $LN(T) = .887LN(X) + .605$   
 $R^2 = .91, .64$  Enter,  $.36$  Exit  
Sat. 2-Way Volume:  $LN(T) = .956LN(X) + 2.54, R^2 = .92$   
Sat. Pk Hr. Total:  $T = .886(X) + 11.065$   
 $R^2 = .9, .54$  Enter,  $.46$  Exit  
Sun. 2-Way Volume:  $T = 8.832(X) + -11.604, R^2 = .94$   
Sun. Pk Hr. Total:  $T = .756(X) + 23.815$   
 $R^2 = .86, .53$  Enter,  $.47$  Exit

Source: Institute of Transportation Engineers  
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

**SECTION IV.B.2.a.**  
**SANITARY SEWER**

The property lies within the franchise area of Gulf Environmental Services, Inc. There are no sanitary sewer facilities within one quarter mile of this site, therefore, this site will utilize individual on-site septic systems per Florida Administrative Code Chapter 64E-6, Standards for Onsite Sewage Treatment and Disposal Systems.



**SECTION IV.B.2. b.**  
**POTABLE WATER**

Potable water is available to the site. The franchise area is Gulf Environmental Services, Inc. Conversations with personnel at the water utility indicate that adequate flow and pressure are available.

**SECTION IV.B.2.c.**  
**DRAINAGE/SURFACE WATER MANAGEMENT**

Surface water management will be provided by a series of lakes, connecting culverts and outfall structure. All will be permitted through the South Florida Water Management District and will comply with their rules and regulations.

**SECTION IV.B.2.d.**  
**PARKS, RECREATION AND OPEN SPACE**

The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero.





**LEE COUNTY**  
**SOUTHWEST FLORIDA**

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 335-1604

John E. Manning  
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

Lana M. Parker  
County Hearing  
Examiner

October 15, 1998

Bob Thimes, AICP  
Q. Grady Minor & Associates, P. A.  
3800 Via Del Rey  
Bonita Springs, Florida 34143

Re: Letter of Adequacy / Availability for Parcel  
Strap No. 20-46-25-01-00009.0000, 4800 Pine Road 60  $\pm$  acres

Dear Mr. Thimes:

If the above named parcel is changed to outlying suburban from rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit / 3 dwelling units per acre). The residents could generate 45 calls annually for EMS resources.

Without a site plan showing ingress / egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances / personnel are acquired according to current budgetary plans.

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

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen  
EMS Program Manager

cc: Chief Ippilito, San Carlos Park FD  
Matt Noble, County Planning  
DPS Administration

k:\users\chrish\impact\lgma.let

**Office of the Sheriff**



**John J. McDougall**

**State of Florida  
County of Lee**

February 19, 1999

Q. Grady Minor & Associates, P.A.  
Mr. Bob Thinnes, AICP  
3800 Via Del Rey  
Bonita Springs, Florida 34134

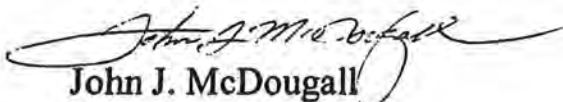
RE: 4800 Pine Road, 60 + Acres  
STRAP No. 20-46-25-01-00009.0000

Dear Mr. Thinnes:

Due to severe budget constraints coupled with the growth of the county, my office operates at full capacity. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

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

Sincerely,

  
John J. McDougall  
Sheriff of Lee County

Cc: file





# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102 • FAX (941) 337-8378

September 23, 1998

Mr. Bob Thinnes  
Q. Grady Minor & Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, FL 34134

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, Estero, Section 20, Township 46 S., Range 25 E.

Dear Mr. Thinnes:

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 60 acre existing Rural parcel could contain up to 60 dwelling units at one unit per acre. The proposed amendment to Outlying Suburban would increase the potential density to three units per acre, or 180 units. These units would generate approximately 38 public school students, creating a need for up to 2 new classrooms in the District.

The schools in the South region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be addressed by the applicant.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Facilities Management and Capital Projects

cc: Frederick Gutknecht, Director, Facilities Management and Capital Projects  
Don Easterly, Program Manager  
Dr. Ande Albert, Assistant Superintendent for Business/Administrative

DR. DOUGLAS SANTINI  
CHAIRMAN • DISTRICT 1

PATRICIA ANN RILEY  
VICE CHAIRMAN • DISTRICT 3

KATHERINE BOREN  
DISTRICT 4

BILL GROSS  
DISTRICT 5

LANNY MOORE, SR.  
DISTRICT 2

BRUCE HARTER, PH.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

JAMES E. BAKER  
STAFF ATTORNEY



**Q. GRADY MINOR & ASSOCIATES, P.A.**

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.  
MARK W. MINOR, P.E.  
C. DEAN SMITH, P.E.  
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN  
ROBERT W. THINNES, A.I.C.P.  
ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Mr. Tom Bard  
Fire Inspector  
8013 Sanibel Boulevard  
Fort Myers, FL 33912

RE: 4800 Pine Road, 60± Acres  
STRAP No. 20-46-25-01-00009.0000

Dear Mr. Bard:

Our office is in the process of submitting an application to Lee County to amend the Lee County Future Land Use Map for the above referenced property. The existing land use classification is Rural and the proposed classification is Outlying Suburban. The Rural category permits 1.0 dwelling units per acre while the Outlying Suburban permits 3.0 dwelling units per acre.

The application requires that a letter be provided from your agency determining the adequacy of existing or proposed support facilities. Respectfully request your office provide our office with a letter of determination of those existing or proposed facilities. For your convenience, we are enclosing a copy of a Lee County tax map.

If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw


Enclosure

F:D60

**Pine Road 60**  
**S 20 / T 46S / R 25E**

---

**Protected Species Survey**

**Boylan**   
**Environmental**  
**Consultants, Inc.**

*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672

December 11, 2001

---

## **INTRODUCTION**

Environmental scientists from Boylan Environmental Consultants, Inc conducted field investigations on the +/- 60.32 acre property during the week of July 9 and December 10, 2001 to identify the presence of protected species and potential occupied habitat. Specifically, the July survey periods covered the upland, palmetto prairie dominated areas and the December survey the melaleuca slough on the east. The weather conditions in July were full sun on one day and overcast the other with temperatures in the lower 90°'s and in the upper 70°'s in December

The project site is located at the end of Pine Road, west of U.S. 41 in Estero in Section 20, Township 46 South, Range 25 East, Lee County.

## **METHODOLOGY**

The survey was comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Next, the FLUCCS codes are cross-referenced with a Potential Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCCS community. The table at end of the report lists the FLUCCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Overlapping transects were walked with specific attention placed on locating Gopher Tortoise burrows in the uplands and potential fox squirrel nests in the wetlands.

## **SITE CONDITIONS**

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions.

### **321/411, Saw Palmetto – Slash Pine (43.32 acres)**

This community is dominated by saw palmetto in the understory and slash pine in the canopy; canopy coverage is approximately 20% or less. Other predominant vegetation includes melaleuca, tarflower, pennyroyal, wiregrass, and saltbush. There are two small clumps of areas containing numerous live oak in the south; these areas are too small to map. This community is considered uplands by Lee County and the SFWMD.

### **321/421, Saw Palmetto – Dog Hair Melaleuca (5.07 acres)**

This community is dominated by saw palmetto in the understory and dog hair melaleuca in the midcanopy. Other vegetation includes wiregrass, saltbush, and yellow – eyed grass. This community is considered uplands by Lee County and the SFWMD.

### **424, Melaleuca (0.35 acres)**

This community is an isolated melaleuca patch in the northwest portion of the site. Groundcover is virtually non – existent. This community is considered uplands by Lee County and the SFWMD.



**424H, Melaleuca Wetlands (7.80 acres)**

This community is comprised of five isolated melaleuca wetlands interspersed with in the uplands and the large melaleuca slough on the east side of the parcel. The isolated wetlands are dominated by melaleuca in the canopy and mid canopy with yellow – eyed grass and swamp fern in the understory. The large melaleuca slough to the east is dominated by melaleuca in the canopy with random cypress, slash pine, and cabbage palm. Understory species consist of swamp fern where present. This community is considered wetlands by Lee County and the SFWMD.

**500, Other Surface Water (1.23 acres)**

A Borrow area located in the south – central portion of the site.

**740, Disturbed Areas (0.74 acres)**

This community has previously been cleared and is located adjacent to the FPL easement and ditch located in the southwest portion of the parcel.

**743, Berm (0.08 acres)**

A fill road or Berm is located in the northern portion of the melaleuca slough. This berm has effectively separated the slough. There is a 20" (or so) culvert on the east side of the slough that connects the slough but it is in need of repair. This berm has effectively altered the natural flow of water through the slough. This community is considered uplands by Lee County and the SFWMD.

**832, FPL Easement (1.73 acres)**

An FPL easement bisects the southwest corner of the property. This community is considered uplands by Lee County and the SFWMD.

**SPECIES PRESENCE**

The various listed species that may occur in the FLUCCS communities have been tabulated on the attached table.

Approximately 23 active and 17 inactive tortoise burrows have been flagged onsite. The FWC recently started using a 0.40 acre conversion factor (formerly 0.30) applied to active and inactive tortoise burrows in arriving at the number of expected tortoise on site; when an application for a Gopher Tortoise Incidental Taker Permit is submitted. Applying this factor to our survey, approximately 16 tortoises would be expected to be inhabiting the site ( $0.40 * 40 = 16$ ).

Approximately 5 potential fox squirrel nests were located in melaleuca trees in the melaleuca slough.

**Table. Protected species list cross referenced with onsite FLUCCS categories.**

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
321/411	Beautiful Pawpaw	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	20
	Eastern Indigo Snake	95+	X***		-	20
	Fakahatchee Burmannia	95+		X	-	20
	Florida Black Bear	95+		X	-	20
	Florida Coontie	95+		X	-	20
	Florida Panther	95+		X	-	20
	Gopher Frog	95+	X***		-	20
	Gopher Tortoise	95+	X		0.37 tortoise / acre*	20
	Red-Cockaded Woodpecker	95+		X	-	20
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
321/424	Beautiful Pawpaw	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	20
	Eastern Indigo Snake	95+		X	-	20
	Fakahatchee Burmannia	95+		X	-	20
	Florida Black Bear	95+		X	-	20
	Florida Coontie	95+		X	-	20
	Florida Panther	95+		X	-	20
	Gopher Frog	95+		X	-	20
	Gopher Tortoise	95+		X	-	20
	Red-Cockaded Woodpecker	95+		X	-	20
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
424	Big Cypress Fox Squirrel	95+		X	-	
424H	Big Cypress Fox Squirrel	95+	X**	X	NA	
500	American Alligator	95+		X	-	100
	Everglades Mink	95+		X	-	100
	Limpkin	95+		X	-	100
	Little Blue Heron	95+		X	-	100
	Reddish Egret	95+		X	-	100
	Roseate Spoonbill	95+		X	-	100
	Snowy Egret	95+		X	-	100
	Tricolored Heron	95+		X	-	100
	Florida Panther	95+		X	-	100
	Florida Black Bear	95+		X	-	100
740	Gopher Tortoise	95+		X	-	100
743	Gopher Tortoise	95+		X	-	100
832	None	95+		X	-	100

\*Based on 16 tortoise in 43.32 acres (FLUCCS 321/411)

\*\*No fox squirrels were observed, only potential nests in melaleuca trees

\*\*\*No gopher tortoise or eastern indigo snakes were observed; because of gopher tortoise burrows, the potential exists for them to inhabit the site



743  
832

BERM  
FPL EASEMENT

0.08  
1.73

60.32 ACRES

- ▣ ACTIVE TORTOISE BURROW, 23
- ⊗ INACTIVE TORTOISE BURROW, 17
- Ⓐ ABANDONED TORTOISE BURROW, 3
- × POTENTIAL NESTS IN MELALEUCA, 5

$(23 + 17) * 0.40 = 16$  EXPECTED GOPHER TORTOISE

PINE  
LISTEC



Boylan  
Environmental  
Consultants, Inc.

Redland & PULASKY Surveys, Environmental Permitting,  
Impact Assessments

11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (941) 418-0871

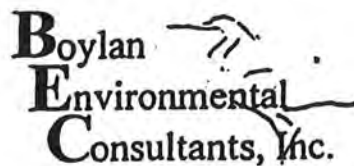


---

**Pine Road 60**  
**S 20 / T 46S / R 25E**

---

**Habitat Management Plan for  
Listed Species**



*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672

December 11, 2001

---

## INTRODUCTION

Environmental scientists from Boylan Environmental Consultants, Inc conducted field investigations on the +/- 60.32 acre property the weeks of July 9 and December 10, 2001 to identify the presence of protected species and potential occupied habitat. The survey documented Gopher Tortoise and the potential for Big Cypress Fox Squirrels on site. Because of gopher tortoise burrows, the potential exists for the Gopher Frog and the Eastern Indigo Snake.

In addition, the Bald Eagle and the Florida Black Bear have been documented on adjacent sites or are presumed to inhabit adjacent sites. This plan is intended to minimize impacts to these species by implementing the following (brief – conceptual) plans.

The subject parcel is located at the end of Pine Road, west of U.S. 41 in Estero in Section 20, Township 46 South, Range 25 East, Lee County.

## GOPHER TORTOISE

A Gopher Tortoise Incidental Take permit would be obtained from the Florida Fish & Wildlife Conservation Commission (FWC).

In addition, prior to construction, tortoise would be relocated to the "Tortoise Relocation – Preserve" as shown on attached Exhibit 1. The preserve, along with all other upland and wetland preserves would be maintained in perpetuity to insure exotic and nuisance species constitute less than 1% coverage immediately following an exotic removal activity and no more than 5% in between removal activities.

## FOX SQUIRREL

Immediately prior to construction or mitigation activities, the areas will be re - checked for the presence of Big Cypress Fox Squirrel nests. If "*actively nesting*" nests are found, 150' buffers would be maintained around the nest trees until the nest(s) are deemed active. When deemed inactive, the (melaleuca) nest tree would be taken down in conjunction with either construction or wetland mitigation activities. It is anticipated the melaleuca slough, would have exotics removed and subsequently replanted with desirable wetland vegetation. The wetland mitigation details are not known at this time and could only be known at time of ERP permitting.

## EASTERN INDIGO SNAKE

Standard protection measures would be established as follows:

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and

to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur.). Informational signs should be posted throughout the construction site and contain the following information:

- a. A description of the eastern indigo snake, its habits and protection under Federal Law;
  - b. Instructions not to injure, harm, harass or kill this species;
  - c. Directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
  - d. Telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water, then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a Section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish and Wildlife Conservation Commission for such activities, are permitted to come in contact with or relocate an eastern indigo snake.
  3. If necessary, eastern indigo snakes shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.
  4. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
    - a. any sightings of eastern indigo snakes
    - b. summaries of any relocated snakes if relocation was approved for the project (e.g., locations of where and when they were found and relocated);
    - c. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

See attached Exhibit 2 for the Eastern Indigo Snake Protection plan.

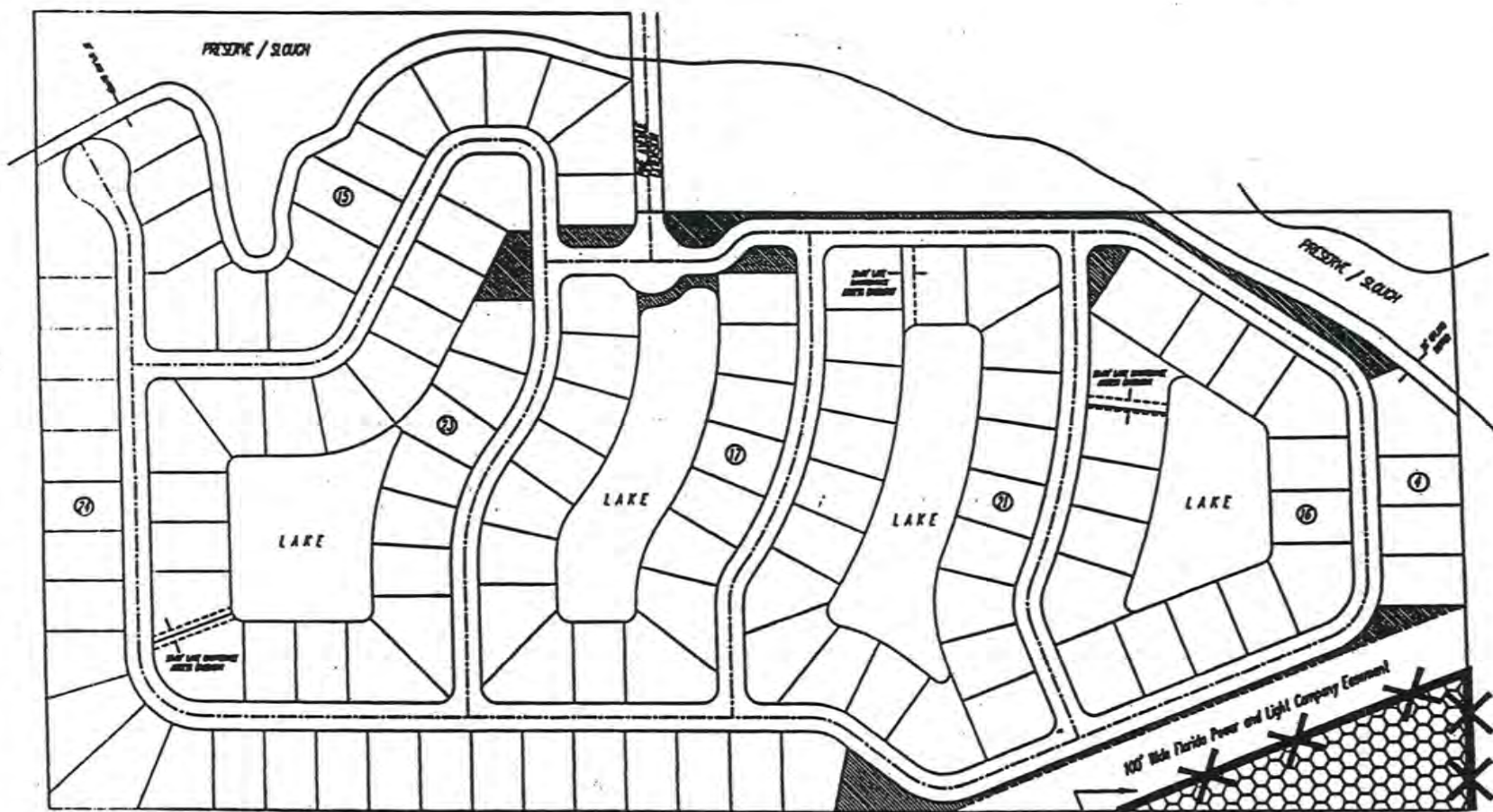
#### BALD EAGLE

All construction and mitigation activities within 1500' of the nest tree (located south of the subject parcel) would occur during the non – nesting season, October 1 through May 15. The portion of the Pine Road parcel that falls within the 1500' is shown in Exhibit 3 and is considered the Eagle's Secondary Zone. This is the suggested guideline set forth by the US Fish and Wildlife Service in "*Habitat Management Guidelines For the Bald Eagle in the Southeast Region.*"



### **FLORIDA BLACK BEAR**

- 1) Signage will be place around the preserve areas. This signage (language) would prohibit hand - feeding of wildlife, including birds. This would eliminate leftover food scraps throughout the property. There would be signs stating "Feeding of Animals is Prohibited."
- 2) There would be no beehives, livestock (including fowl), or stables meant to house animals located on site.
- 3) If picnic areas are located on-site, signage would be placed in the vicinity reminding people to remove all food scraps and refuse when leaving.



TORTOISE FENCE DEPICTED BY BOLD LINE AND X



TORTOISE RELOCATION-  
PRESERVE AREA

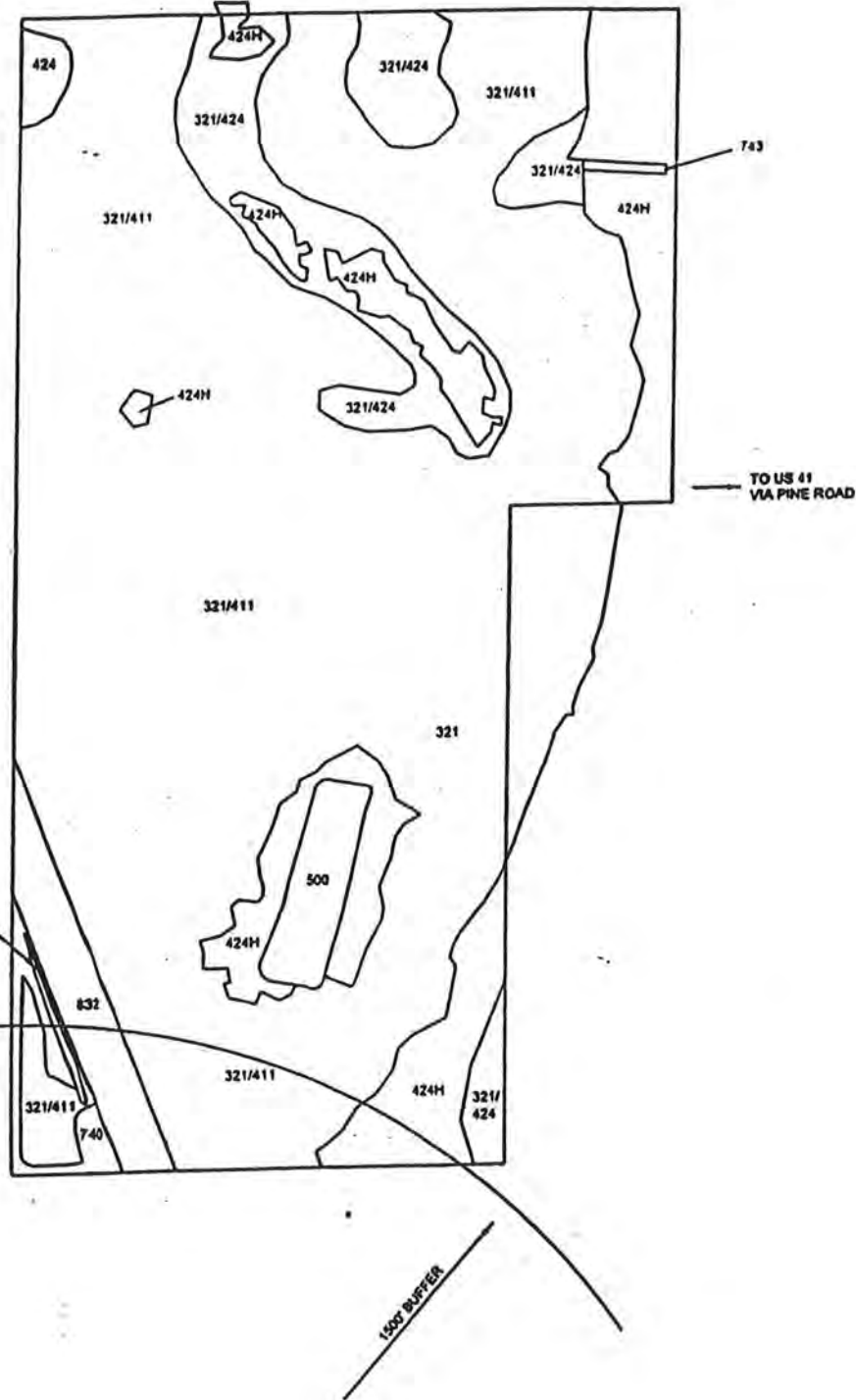
Boylan  
Environmental



JOB # 9852  
SCALE TORTOISE FENCE  
FILE 1" = 300'

PINE ROAD

COUNTY 1EE



APPROXIMATE LOCATION OF EAGLE'S  
EST 1200' SOUTH OF SUBJECT PARCELS  
SOUTHWEST CORNER



- 321/411 SAW PALMETTO - SLASH PINE (<20% CANOPY)
- 321/424 SAW PALMETTO - DOG HAIR MELALEUCA
- 424 MELALEUCA
- 424H\* MELALEUCA WETLANDS
- 500 OTHER SURFACE WATER
- 740 DISTURBED AREAS
- 743 BERM
- 832 FPL EASEMENT

**Boylan  
Environmental  
Consultants, Inc.**  
Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments  
11000 Metro Parkway, Suite 401, Miami, FL 33156-0671

COUNTY	LEE
SEC	20
TWP	46S
RNG	25E
REVISIONS	
PINE ROAD 60 EAGLE BUFFER MAP	
B # 9852	
DATE 12-11-01	
BY EAGLE BUFFER	
BY JOK	
DATE 12-11-01	



# EASTERN INDIGO SNAKE

## PROTECTION PLAN

The Eastern Indigo Snake is a large, fairly shiny blue-black snake. They are non-venomous. The average adult indigo snake is 6 feet in length.

The Indigo snake is active during daylight hours. It nests in gopher tortoise burrows and in hollow logs. The diet of the snake consists of other snakes, small mammals such as rats and mice, along with frogs, lizards and other amphibians.

The Indigo snake may be confused with the common black racer. It is also black, however this snake is usually slender and fast moving, with a white chin:

The Common Black  
Racer



**Eastern Indigo Snake**  
*Drymarchon corais couperi*

If an Eastern Indigo snake is observed on site:

Cease all construction activities and notify the construction supervisor, then contact Boylan Environmental Consultants (941) 418-0671. While leaving the snake unharmed, maintain sight of the snake until a biologist arrives. The snake will then be allowed sufficient time to move away from the construction site on its own before resuming construction activities.

The Eastern Indigo snake is protected by both State and Federal Regulations. It is illegal to harass, harm, pursue, hunt, shoot, wound, kill, molest, trap, capture, collect, transport, or attempt to engage in any such conduct (collectively defined as "taking"). These rules apply to the snake, parts thereof or their nests or eggs.

Under Chapter 39, Florida Administrative Code 39-4.002 the penalties are as follows: Punishable as a second degree misdemeanor, with up to \$500.00 fine and/or 60 days imprisonment for first offenses, additional penalties thereafter.

Under the Endangered Species Act the penalties are as follows: Maximum fine of \$25,000.00 for civil penalties and maximum fine of \$50,000.00 and/or imprisonment for up to

---

**Pine Road 60**  
**S 20 / T 46S / R 25E**

---

**Protected Species Survey**

**Boylan**  
**Environmental**  
**Consultants, Inc.**

*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672

December 11, 2001

---



424  
0.35

424H  
0.19

321/424  
1.10

321

321/424

321/424  
0.52

743  
0.08

424H  
3.05

321

424H  
0.22

424H  
0.82

321/424 2.97

424H  
0.07

1.7340

60.32 ACRES

WETLAND LINES BASED ON GPS:  
+/- 15' IN ISOLATED MELALEUCA "HOLES"  
+/- 30' ALONG EASTERN MELALEUCA FLOWWAY  
DUE TO HEAVY CANOPY

PROJECT NAME

JD# \_\_\_\_\_

Craig Schmittler

Date

South Florida Water Management District  
Wetland Jurisdictional Determination

Boylan  
Environmental  
Consultants, Inc.  
*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*



JOB # 9852  
SCALE 1"= 200  
FILE GPS WETLANDS2  
DRAWN BY JDK  
DATE 2-7-01  
COUNTY LEE  
SEC 30  
TWP 46



## **SECTION IV. E. COMPREHENSIVE PLAN**

### **POPULATION**

The site being 60 ± acres in area with 52 ± acres as upland will yield, with the proposed future land use designation, a maximum of 120 dwelling units. Because of the relative low number of dwelling units, there will be no negative affect upon the County-wide population projection/accommodation.

### **YEAR 2020 OVERLAY**

The subject property is located within Planning Community 13 (San Carlos/Estero) as depicted on Map 16, Planning Communities, in The Lee Plan, 1998 Codification as amended through 1998. Table 1(b), Planning Community Year 2020 Allocations, of the Lee Plan, provides the acreage allocations for each planning community. These allocations include residential by future land use category, general commercial and industrial and non-regulatory allocations. The Outlying Suburban category has 81 acres allocated for residential while 280 acres are allocated in the Rural category for residential use. Currently, the total number of residential dwelling units allocated for both categories would be 523 dwelling units, based upon gross acreage. The proposed land use change would add 52 ± acres to the Outlying Suburban for an additional 156 residential dwelling units. The total unincorporated County acreage for Planning Area 13 would increase from 5,376 to 5,532 or three percent (3%).

### **LOCAL GOVERNMENTS**

The subject site is located within the jurisdictional limits of Lee County and not within the jurisdictional limits of any local governments. Therefore, the proposal has no effect upon any local government.

### **FUTURE LAND USE ELEMENT**

The subject property is located in Section 20, Township 46 South, Range 25 East and currently has a Future Land Use Map designation of Urban Community, Rural and wetland. The proposed map amendment will change the Rural designation to Outlying Suburban. The wetland and Urban Community will remain unchanged. The Outlying Suburban category is being further limited with respect to density to a maximum of two dwelling units per acre. This is similar to the restrictions currently in place in north Fort Myers and in the Buckingham area. Policy 1.1.6 of the Future Land Use Element and Table 1(a) will be modified as follows:

Policy 1.1.6: of Objective 1.1: Future Urban Areas, Outlying Suburban states in part that "areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre)".

The subject property is adjacent to existing areas that are urban in nature. Surrounding densities to the north, east and south range from 3.0 to 18.0 dwelling units per acre. The recently approved project to the west and south may be developed at a density of 3.0 dwelling units/acre. U.S. 41 (S.R. 45) is located less than 3/4 mile to the east of the subject site. Access to this arterial is provided by Pine Road and recorded access easements. Gulf Environmental Services has utility service available at U.S. 41 and Pine Road and would be available for future extension. Therefore, infrastructure is available. The requested Outlying Suburban category would only be developed at a maximum of 2.0 dwelling units per acre which is at a lower density than the other Future Urban and Suburban areas within the general vicinity to the north, east and south. The requested classification is clearly located at a peripheral location relative to established urban areas.

The existing FLUM designation, Rural, is listed in Objective 1.4 as a non-Urban Area. The definition of Rural as found in Objective 1.4.1 is as follows: "The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas". Those elements characteristic of an urban area are found within the subject property as has been documented within this application. Because of these urban elements such as density, infrastructure, use, urban services and compatibility, it is unreasonable to expect this property to remain in the Rural category when, in fact, the application of the Rural category to this property is not consistent with Policy 1.4.1. The Rural incompatibility and inconsistency is sustained because agricultural and non-residential uses are not compatible or consistent with the surrounding residential communities, and, further, there exist no rural community in the area for this Rural designation to serve.

Objective 2.1: Development Location encourages compact growth pattern via the rezoning process to contain urban sprawl and its effects, and, further, encourages rezoning large tracts of land that have been "by-passed in favor of development more distant from services and existing communities". The subject property is an enclave of low density surrounded by higher densities, by-passed in favor of projects more distant from services and existing communities.

Objective 2.2: Development Timing directs new growth to those areas with public facilities to insure compact and contiguous growth patterns. The subject parcel is less than 3/4 of a mile from an arterial road (.S.41), has sewer and water available from Gulf Environmental Services and has access to U.S. 41 (S.R. 45) via Pine Road and existing recorded easements. Community facilities and services such as schools, EMS, police and fire protection are available.

**APPLICATION**

**RESUBMITTAL**

**12/20/02**





LEE COUNTY  
SOUTHWEST FLORIDA

RECEIVED

DEC 20 2002

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: 12/20/02

REC'D BY: DS

APPLICATION FEE: 0

TIDEMARK NO: CFA 2002-0008

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ 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.

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

A.P. DeSalvo, Trustee  
Estero 60 Acre Land Trust

## I. APPLICANT/AGENT/OWNER INFORMATION

Estero 60 Acre Land Trust; A.P. DeSalvo, Trustee  
APPLICANT  
3960 Via Del Rey  
ADDRESS  
Bonita Springs Florida 34134  
CITY STATE ZIP  
(239) 947-6800 (239) 947-3891  
TELEPHONE NUMBER FAX NUMBER

D. Wayne Arnold, AICP; Q. Grady Minor & Associates, P.A.  
AGENT\*  
3800 Via Del Rey  
ADDRESS  
Bonita Springs Florida 34134  
CITY STATE ZIP  
(239) 947-1144 (239) 947-0375  
TELEPHONE NUMBER FAX NUMBER

Estero 60 Acre Land Trust; A.P. DeSalvo, Trustee  
OWNER(s) OF RECORD  
3960 Via Del Rey  
ADDRESS  
Bonita Springs Florida 34134  
CITY STATE ZIP  
(239) 947-6800 (239) 947-3891  
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 19)

List Number(s) of Map(s) to be amended

Map # 1

### B. SUMMARY OF REQUEST (Brief explanation):

Change existing Rural classification to outlying suburban.

Surrounding land use classifications and existing land use densities

are equal to or greater than outlying suburban. Rural is not consistent

with surrounding area.

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

### A. Property Location:

1. Site Address: 4800 Pine Road

2. STRAP(s): 20-46-25-01-00009.0000

### B. Property Information

Total Acreage of Property: 60.32 ±

Total Acreage included in Request: 60.32 ±

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

Total Uplands: 52.52 ± Acres

Total Wetlands: 7.8 ± Acres

Current Zoning: Ag-2

Current Future Land Use Designation: Rural, wetlands, urban community



Existing Land Use: Vacant

- 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:

Rural to outlying suburban \*

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 1.0 du/ac.

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 3.0 du/ac \*

Commercial intensity N/A

Industrial intensity N/A

\* not to exceed 120 dwelling units

#### 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	\$500.00 each
Map Amendment > 20 Acres	\$500.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Text Amendment Flat Fee	\$1,250.00 each

**AFFIDAVIT**

I, A.P. DeSalvo, 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.

RECEIVED

DEC 20 2002

12-16-02

COMMUNITY DEVELOPMENT



Signature of owner or owner-authorized agent

**A.P. DeSalvo, Trustee  
Estero 60 Acre Land Trust**



A.P. DeSalvo  
Typed or printed name

STATE OF FLORIDA)  
COUNTY OF LEE )

RECEIVED

DEC 20 2002

COMMUNITY DEVELOPMENT

The foregoing instrument was certified and subscribed before me this 17th day of December 2002, by AP DeSalvo, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Carissa M. Geerson  
Signature of notary public

CARISSA M GEERSON  
Printed name of notary public

AFFIDAVIT

I, A.P. DeSalvo, 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.

AP DeSalvo  
Signature of owner or owner-authorized agent

12-16-02  
Date

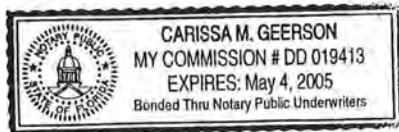
AP DeSalvo  
Typed or printed name

RECEIVED  
DEC 20 2002  
COMMUNITY DEVELOPMENT

STATE OF FLORIDA)  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 17th day of December 2002, by AP DeSalvo, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Carissa M. Geerson  
Signature of notary public

CARISSA M. GEERSON  
Printed name of notary public

#### **SECTION IV.B.1. TRAFFIC CIRCULATION**

The property is served by Pine Road, a two-lane local road. The right-of-way width varies. Much of the property along Pine Road is currently vacant. Traffic counts are not available for Pine Road, but would be expected to be well above LOS C volumes. The proposed project is expected to add less than 200 peak hour trips to the local road. Addition of this volume of traffic would not be expected to reduce the level of service for the roadway. It is not expected that the requested designation would require any revisions to Traffic Circulation or Capital Improvements elements.



Estero 60

SUMMARY OF TRIP GENERATION CALCULATION  
FOR 120 DWELLING UNITS OF SINGLE FAMILY DWELLINGS  
12/18/02

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	10.22	0.00	1.00	1226
7-9 AM PK HR ENTER	0.19	0.00	1.00	23
7-9 AM PK HR EXIT	0.58	0.00	1.00	70
7-9 AM PK HR TOTAL	0.78	0.00	1.00	93
4-6 PM PK HR ENTER	0.67	0.00	1.00	81
4-6 PM PK HR EXIT	0.38	0.00	1.00	46
4-6 PM PK HR TOTAL	1.05	0.00	1.00	127
SATURDAY 2-WAY VOL	10.27	0.00	1.00	1233
PK HR ENTER	0.53	0.00	1.00	63
PK HR EXIT	0.45	0.00	1.00	54
PK HR TOTAL	0.98	0.00	1.00	117
SUNDAY 2-WAY VOL	8.74	0.00	1.00	1048
PK HR ENTER	0.51	0.00	1.00	61
PK HR EXIT	0.45	0.00	1.00	54
PK HR TOTAL	0.95	0.00	1.00	115

Note: A zero rate indicates no rate data available

The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .92LN(X) + 2.707, R^2 = .96$   
7-9 AM Peak Hr. Total:  $T = .7(X) + 9.477$   
 $R^2 = .89, .25 \text{ Enter}, .75 \text{ Exit}$   
4-6 PM Peak Hr. Total:  $LN(T) = .901LN(X) + .527$   
 $R^2 = .91, .64 \text{ Enter}, .36 \text{ Exit}$   
AM Gen Pk Hr. Total:  $T = .704(X) + 12.09$   
 $R^2 = .89, .25 \text{ Enter}, .75 \text{ Exit}$   
PM Gen Pk Hr. Total:  $LN(T) = .887LN(X) + .605$   
 $R^2 = .91, .64 \text{ Enter}, .36 \text{ Exit}$   
Sat. 2-Way Volume:  $LN(T) = .956LN(X) + 2.54, R^2 = .92$   
Sat. Pk Hr. Total:  $T = .886(X) + 11.065$   
 $R^2 = .9, .54 \text{ Enter}, .46 \text{ Exit}$   
Sun. 2-Way Volume:  $T = 8.832(X) + -11.604, R^2 = .94$   
Sun. Pk Hr. Total:  $T = .756(X) + 23.815$   
 $R^2 = .86, .53 \text{ Enter}, .47 \text{ Exit}$

Source: Institute of Transportation Engineers  
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

**SECTION IV. B.2.a.  
SANITARY SEWER**

The property lies within the franchise area of Gulf Environmental Services, Inc. Sanitary sewer will be extended to the site and utilized.

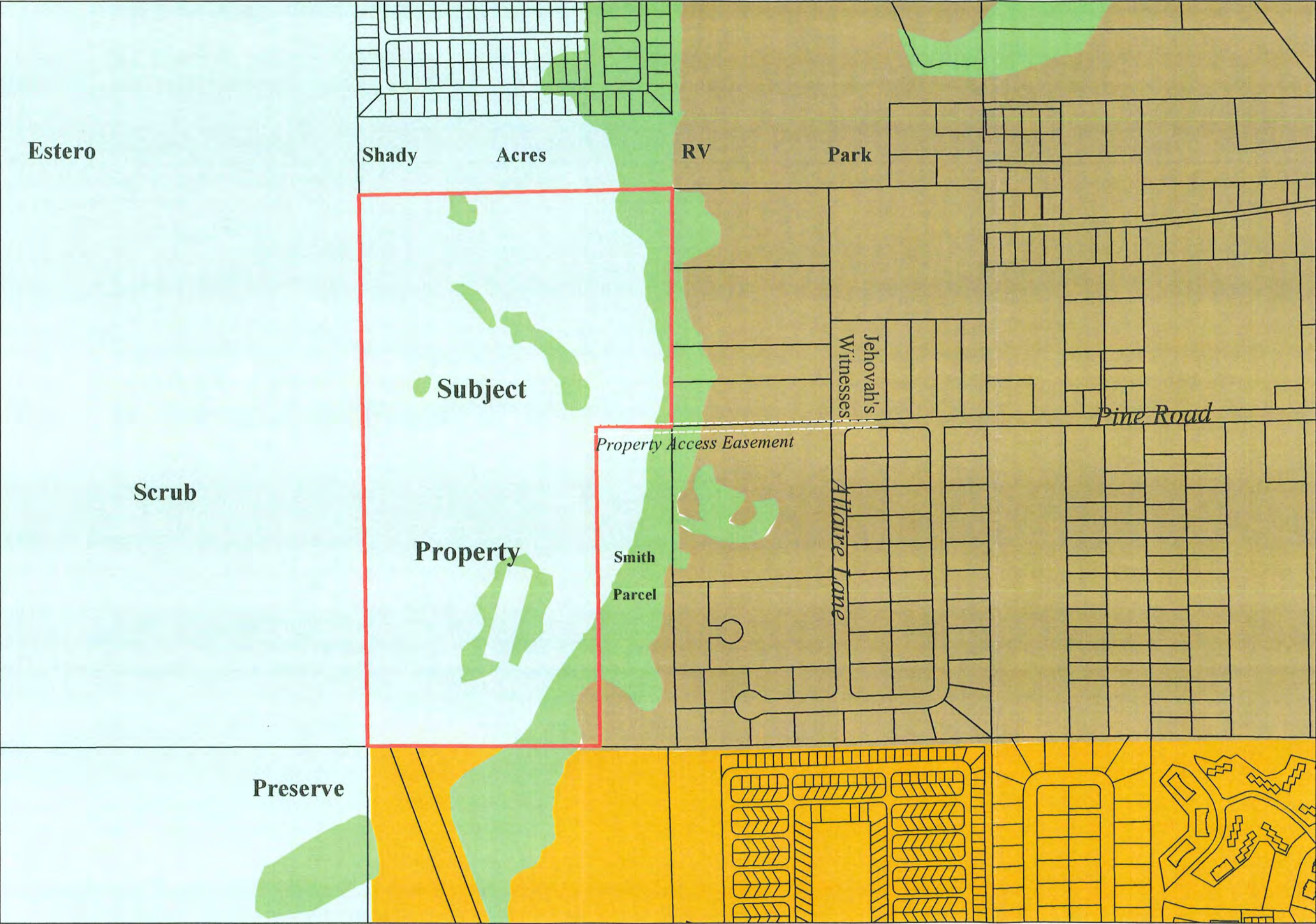
## **LIST OF CONSULTANTS**

D. Wayne Arnold, AICP  
Q. Grady Minor & Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, FL 34134  
(239) 947-1144

Rae Ann Boylan  
Boylan Environmental Consultants, Inc.  
11000 Metro Parkway, Suite 4  
Fort Myers, FL 33912  
(239) 418-0671

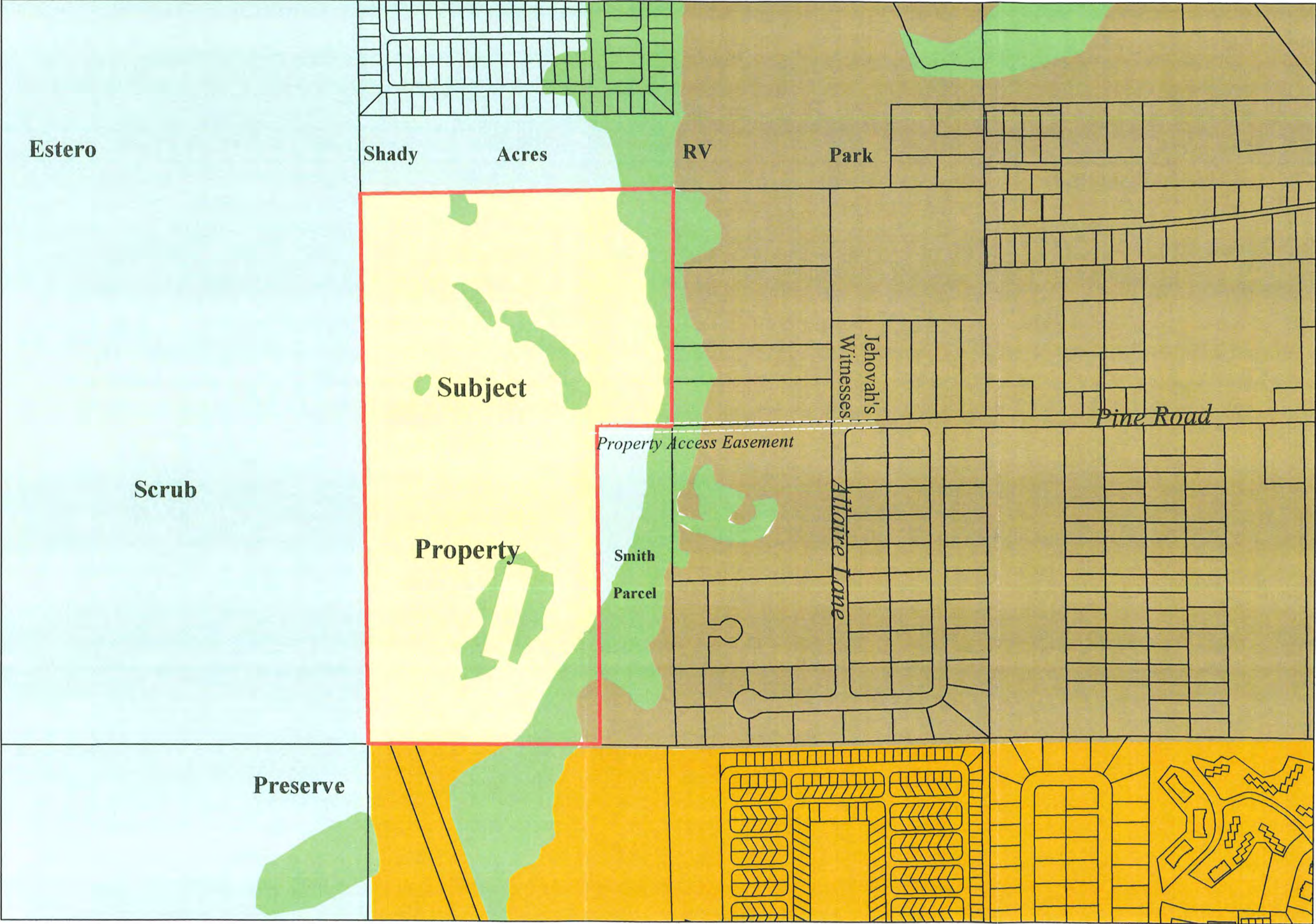


CPA2002-02  
Current Future  
Land Use Map

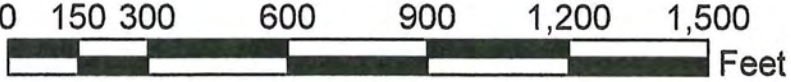




CPA2002-02  
Proposed Future  
Land Use Map



FLUM Designations	
<span style="display:inline-block; width:10px; height:10px; background-color:lightblue;"></span>	Rural
<span style="display:inline-block; width:10px; height:10px; background-color:yellow;"></span>	Suburban
<span style="display:inline-block; width:10px; height:10px; background-color:brown;"></span>	Urban Community
<span style="display:inline-block; width:10px; height:10px; background-color:green;"></span>	Wetlands
<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span>	Outlying Suburban





**Attachment 2:**  
**Memorandums and Communications**  
**from Lee County Service Providers**



To: M. Noble



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

John E. Manning  
District One

**February 26, 2001**

Douglas R. St. Cerny  
District Two

**Mr. Paul O'Conner**

Ray Judah  
District Three

**Director, Division of Planning**

**P.O. Box 398**

Andrew W. Coy  
District Four

**Fort Myers, FL 33902-0398**

John E. Albion  
District Five

**RE: Your request for review of PAM 98-06 and CPA 2000-03**

Donald D. Stilwell  
County Manager

**Dear Mr. O'Conner:**

James G. Yaeger  
County Attorney

**Emergency Management has reviewed the referenced documents. The results of our review are enclosed.**

Diana M. Parker  
County Hearing Examiner

**If you have questions, please contact me at 477-3614.**

**Sincerely,  
DIVISION OF PUBLIC SAFETY  
Emergency Management Program**

**John M. Campbell  
Chief of Planning**

**2 encl.**

LEE COUNTY  
RECEIVED  
01 FEB 26 PM 1:45  
COMM. DEV.  
PUB. WORKS. CNTR.  
SECOND FLOOR

**ATTACHMET 2A**

# MEMORANDUM

## FROM THE

## DIVISION OF PUBLIC SAFETY

## EMERGENCY MANAGEMENT

DATE: February 20, 2001

TO: Paul O'Connor  
Director, Division of Planning

From: John M. Campbell  
Chief of Planning  
Emergency Management

### REVIEW AND RECOMMENDATIONS

**Project:** PAM 98-06 Change 60 Acres from Rural to Outlying Suburban Designation  
**Request:** Rural to Outlying Suburban, PAM 98-06  
**Location:** 4800 Pine Road, Estero (STRAP # 20462501000090000)  
**Applicant:** Estero 60 Acre Land Trust  
**Agent:** Bob Thinnies: O. Grady Minor & Associates

#### 1. HURRICANE VULNERABILITY

According to the National Weather Service's storm surge model "SLOSH" which reflects a composite of maximum extent of flooding that may be caused for each hurricane category, this site is subject to storm surge flooding as shown below:

<u>Category of Hurricane</u>	<u>Sustained Wind (MPH)</u>	<u>SLOSH Surge Height Landfalling/Exiting</u>	
Tropical Storm	39 - 73	Dry	Dry
Cat. 1	74 - 95	Dry	Dry
Cat. 2	96 - 110	12.4	Dry
Cat. 3	111 - 130	16.5	10.8
Cat. 4/5	131 - 155	23.1	14.4

Evacuation of this site may be necessary prior to landfall of a category two (2) hurricane. The saltwater storm surge height could be approximately 12.4 feet above Mean Sea Level (MSL) from a land falling category two (2) hurricane. Flooding could occur because the natural ground elevation in this tract of land is between 8 and 10 feet. Storm surge flooding depth on this site could average 3 feet with the landfall of a category two (2) hurricane. It should be noted that this information does not take into account the freshwater flooding that could occur from rainfall usually associated with these storms. The property is shown on the National Flood Insurance Rate Map (FIRM), Community Panel 125124 0455 B to be in flood zone A-14 with a first floor elevation of 11 feet required. Should it become necessary to evacuate the proposed location, either due to flooding or hurricane winds, or a combination of both, the associated impacts on evacuation time and shelter space are calculated below:

**Hurricane Vulnerability Continued**

(Note: Computation of shelter impact and evacuation route impact is based on Lee County Ordinance Number: 00-14, Land Development Code, dated July 27, 2000 for the year 2020 build-out and corresponding number of occupants per household of 2.09. The number of vehicles per household is estimated at 1.1 based on the 1995 SFRPC Hurricane Evacuation Study.)

**52 single family Dwelling Units (DU) allowed under current rural designation:**

52 DUs X 2.09 people/unit = 109 people evacuating

52 DUs X 1.1 vehicles/unit = 58 evacuating vehicles

The Lee Plan, policy 79.2.1 establishes the number of evacuating people at 21 percent of the population at risk. Lee County public shelter standards are defined as twenty (20) square feet per person. Shelter space requirements based on these criteria are calculated below.

109 people X 21% = 23 people seeking shelter

23 people X 20 square feet = 460 square feet of shelter space is required to mitigate this number of dwelling units in this development.

**104 Dwelling Units (DU) proposed under the amended text for the Outlying Suburban designation:** All figures above will be doubled:

218 people evacuating

115 vehicles evacuating

46 people seeking shelter

920 square feet of shelter space

The ultimate point restricting evacuation is U.S. Highway 41, which has an evacuation capacity of 2,891 vehicles per peak hour level of service. The impact of an addition of 115 vehicles as proposed under the amended text is calculated below:

115 vehicles divided by 2891 vehicle/peak hour x 60 minutes = 2.4 minutes additional time added to the exiting evacuation time.



**Hurricane Vulnerability Continued**

**2. Emergency Medical Service**

The proposed development site is within the area of jurisdiction in which the Lee County Emergency Medical Service (EMS) provides service. The Lee County EMS is a State licensed advanced life support (ALS) provider and operates under the provisions of chapter 401 of the Florida Statutes.

Response time cannot be guaranteed due to any number or a combination of environmental and operational factors. Additionally, the absence of maps showing ingress and egress route makes it impractical to estimate response times. However, the average EMS response time for the San Carlos area is currently six (6) minutes. It is estimated that the amended build out population of 218 people will generate an additional 27 calls annually for EMS resources.

**3. Fire Protection**

This site is within the service jurisdiction of the Estero Fire District.

**4. Hazardous Material Management**

If the developer/end user decides to store hazardous materials on this property, procedures must be established for notifying local and State officials if a release occurs.

**5. Recommendations**

The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.

**A. General Hurricane Mitigation**

1. The Applicant shall initiate the establishment of a homeowner's or resident's association. The organization shall provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness seminars. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards. (Reference

**Recommendations Continued**

Goal 71, Objective 71.1, Policy 71.2, Goal 79, Objective 79.1, 79.1.1, Goal 80, Policy 80.1.3; Lee County Comprehensive Plan – 1999)

- 2 The applicant is required to comply with Lee County Ordinance 00-14, Land Development Code, dated July 26, 2000, Article XI, section 2-481, as it applies to mitigation for the development impacts on emergency public shelters and evacuation routes. Mitigation options must be selected and approved by the Director of Public Safety prior to award of a Development Order.

**B. Emergency Medical Service**

1. The applicant shall provide for the emergency medical service impacts generated by the proposed development as defined by the Lee County Development Code Chapter Two, Division 5. (Reference Goal 43, Objective 43.2, Policy 43.3.2; Lee County Comprehensive Land Use Plan – 1999)
2. If access to this development is through a security gate or similar device, which is not manned twenty-four hours a day, it must be equipped with an override switch installed in a glass-covered box to be use by drivers of emergency vehicles to gain entry.

**C. Fire Protection**

The applicant shall provide for the fire protection impacts generated by the proposed development as defined by the Lee County Development Code, Chapter Two, Division 5. (Reference 43, Objective 43.2.2; Goal 45, Objective 45.3, 45.3.2, Lee County Comprehensive Land Use Plan – 1999).

**References:**

Lee County Comprehensive Land Use Plan – 1999

Lee County Land Development Code, Ord. 00-14 – 2000

Hurricane Behavioral Analysis For Lee County – 1991

SWFLA Regional Hurricane Evacuation Plan – 1995

Super Fund Amendments and Reauthorization Act – 1986

Administrative Code AC 7-7 - 1998

98-06



**LEE COUNTY**  
**SOUTHWEST FLORIDA**

**BOARD OF COUNTY COMMISSIONERS**

LEE COUNTY  
RECEIVED

98 OCT 20 AM 9:25

Writer's Direct Dial Number: 335-1604

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

E. Manning  
cl One  
  
Mas R. St. Cemy  
cl Two

October 15, 1998

Judah  
cl Three

W. W. Coy  
cl Four

Bob Thimes, AICP  
Q. Grady Minor & Associates, P. A.  
3800 Via Del Rey  
Bonita Springs, Florida 34143

E. Albion  
cl Five

Id D. Stilwell  
ty Manager

Re: Letter of Adequacy / Availability for Parcel  
Strap No. 20-46-25-01-00009.0000, 4800 Pine Road 60  $\pm$  acres

S. G. Yaeger  
ty Attorney

Dear Mr. Thimes:

M. Parker  
ty Hearing  
iner

If the above named parcel is changed to outlying suburban from rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit / 3 dwelling units per acre). The residents could generate 45 calls annually for EMS resources.

Without a site plan showing ingress / egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances / personnel are acquired according to current budgetary plans.

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

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen  
EMS Program Manager

cc: Chief Ippilito, San Carlos Park FD  
Matt Noble, County Planning  
DPS Administration

k:\users\chrish\impact\qgma.let





To: P. Blackwell

# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102

JEANNE S. DOZIER  
CHAIRMAN • DISTRICT 2

ELINOR C. SCRIPCA, PH.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, PH.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, ED.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

February 26, 2003

Mr. Paul O'Connor, AICP  
Director, Division of Planning  
P. O. Box 398  
Ft. Myers, FL 33902

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, PAM CPA 2002-02, Pine Road

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposal is a FLUM amendment to a change from Rural to Outlying suburban on 60 acres with a maximum density of 2 units per acre.

This proposal would permit the addition of 120 dwelling units. These units could generate approximately 37 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to two classrooms in the District along with ancillary facilities and staff.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Construction and Planning

LEE COUNTY  
RECEIVED  
03 FEB 27 AM 8:56  
CONTR. DEV/  
PUB. WORKS. CNTR.  
SECOND FLOOR



# MEMORANDUM

from the  
TRANSIT DIVISION



Your Ride Is Here.

DATE: February 20, 2003

TO: Paul O'Connor, AICP

FROM: Steve Myers

RE: CPA 2002-02 – Privately Initiated Lee Plan Future Land Use Map Amendment

Lee Tran staff has reviewed the above referenced Lee Plan amendment and has determined that the proposed amendment to the future land use map would have no impacts on existing or planned services Lee Tran provides, nor would it have any impact to the budget of Lee County's transit division.

If you have any further questions regarding this amendment, please call me at 277-5012.

LEE COUNTY  
RECEIVED

03 FEB 21 AM 11:13

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


LEE COUNTY  
RECEIVED

03 FEB 14 AM 9:02

COMM. DEV/  
PUB. WORKS, CNTR.  
2ND FLOOR

# Memo

**To:** Paul O'Connor, AICP, Planning Director  
**From:** John D. Wilson, Director, Division of Public Safety  
**Date:** February 13, 2003  
**Subject:** CPA 2002-02



As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4.

The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not inconsistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would also remove this acreage from the amount the county currently receives credit for this particular activity.

In and by itself, the requested density increase would not jeopardize the twenty percent discount rate that flood insurance policy holders in the 100 year flood plain currently enjoy as a result of the county maintaining programs that mitigate flood disaster potential. However, continued incremental zoning density increase such as these could impact the amount of credit we receive for low density zoning in the future.

Enclosure

JDW:cmm

cc: Michael, Bridges, Deputy Director  
David Saniter, Emergency Programs Manager

March 14, 2003

Peter Blackwell, Planner  
Lee County Department of  
Community Development  
Division of Planning  
P.O. 398  
Fort Myers, Florida 33902-0398

RE: Estero 60 CPA 2002-02

Dear Peter:

As you requested, we have evaluated the Estero 60 CPA 2002-02 site for its Hurricane Evacuation Zone designation based on the most recent National Hurricane Center Storm Surge Model call Sea Lake and Overland Surges from Hurricanes (SLOSH) and the most recent 2001 Southwest Florida Regional Hurricane Evacuation Study Update produced by the Southwest Florida Regional Planning Council. The site is in the Hendry Creek 1,2,3 Hurricane Evacuation Zone as shown on Map 3 (see Attached) page II-B-7 of the Lee County Landfalling Section. A close evaluation of the grid square map from the SLOSH model print out for this site shows that a Category 1 landfalling hurricane will produce a 7.4 foot storm tide. Any land area on the site below 7.4 feet will be included in the Coastal High Hazard Area (CHHA) as defined by Chapter 9J-5.003 Florida Administrative Code, which defines the CHHA as the Category 1 hurricane evacuation zone established by the SWFRPC Hurricane Evacuation Study. Therefore, because the site ranges from 6.2 to 7.8 feet we must conclude that the average elevation of the site is in the CHHA. If you have any questions, please let me know.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Daniel L. Trescott  
Principal Planner

cc: Bernad Piawah, DCA/BLP  
John Wilson, Lee County Public Safety Director

# interoffice

## MEMORANDUM

---

**to:** Peter Blackwell  
**from:** Michael Carroll  
**subject:** CPA2002-00002  
**date:** March 14, 2003

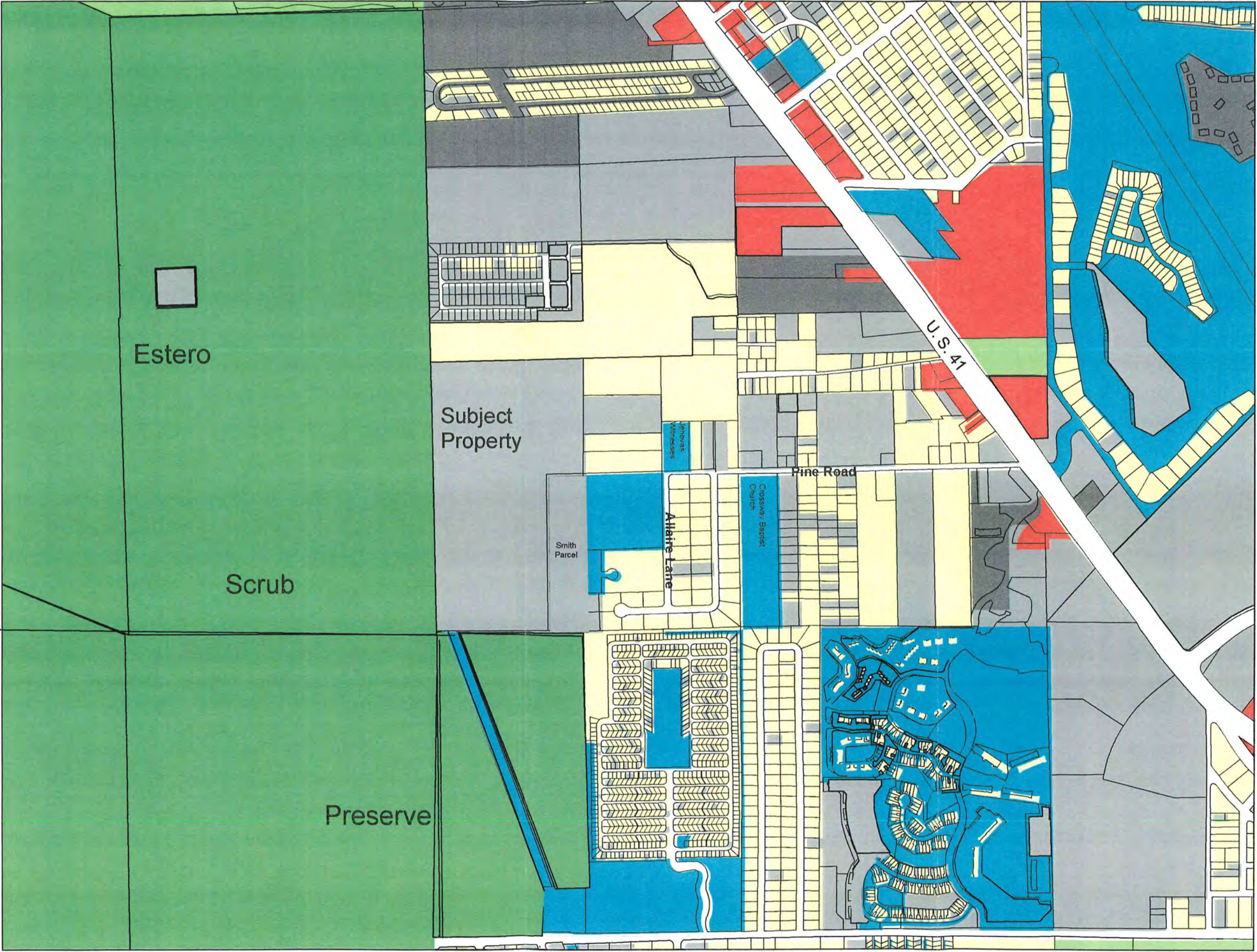
The Estero 60 Land Trust has requested an amendment to the Comprehensive Land Use Plan to change the designation of 60+/- acres beyond the west end of Pine Road in the San Carlos Park area. They have requested a change from Rural to Outlying Suburban with a maximum density of two units per acre. If the change were to be approved the maximum number of homes would increase from 60 to 120.

With the change to a maximum of 120 single family homes we would expect to see 1,226 trips per day or an increase of 578 in daily traffic, 103 trips per hour in the am peak hour or an increase of 42 trips/hour, and 126 trips per hour in the pm peak hour or an increase of 58 trips/hour. Pine Road intersects U.S. 41 about 240' north of the intersection at the Vintage Pkwy/Breckenridge Rd/US 41. The Pine Road intersection has no median opening and is therefore limited to right-in/right-out movements. U-turn movements are made at Vintage Parkway for those trips headed north at a median opening about 420' to the north. U-turn movements will increase whenever the property is developed under either land use designation

U.S. 41 provided Level of Service C during the 100<sup>th</sup> highest hour and it is estimated that LOS D was provided in 2002. If all projects and building permits that have been approved are constructed and generate traffic as expected the Level of Service will eventually fall to F. This section of U.S. 41 will be the last to be widened to six lanes. Lee County has loaned gas tax money to FDOT to advance the design work on this section and the purchase of additional Right-of-Way is tentatively funded in the 2006/2007 fiscal year.



# CPA2002-02: Existing Land Use

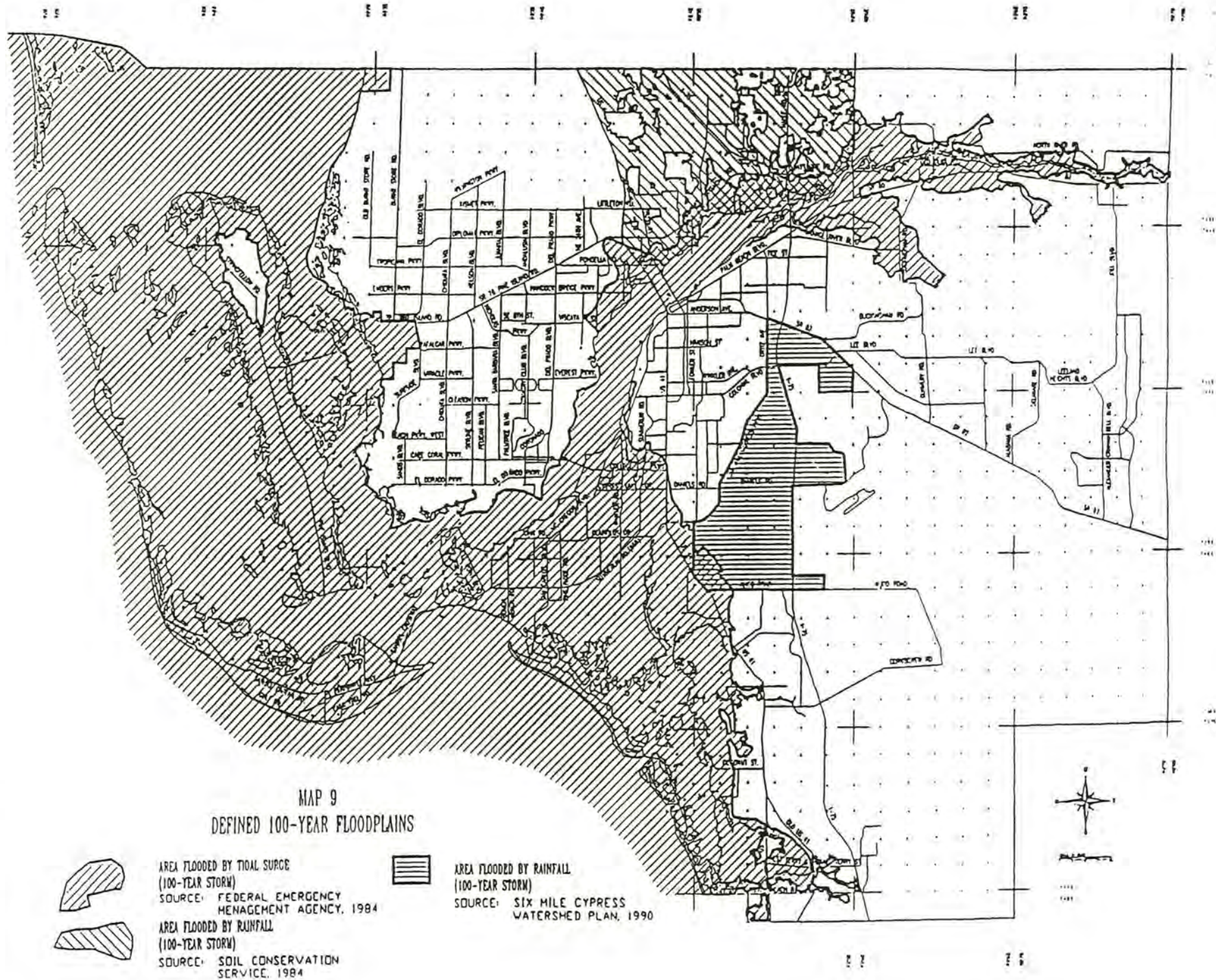


- Mixed Use/ No Data
- Agriculture
- Commercial
- Public
- Residential
- Vacant
- Estero Scrub Preserve



600 300 0 600 1,200 1,800 Feet





**APPLICATION**

**SUBMITTAL**



**Q. GRADY MINOR & ASSOCIATES, P.A.**  
Civil Engineers II Land Surveyors II Planners

**LETTER OF TRANSMITTAL**

RECEIVED

SEP 26 2002

On K W

COMMUNITY DEVELOPMENT

CPA 2002 - 00002

**Date:** September 26, 2002

**Project:** Estero 60 Acre Land Trust  
STRAP Number 20-46-25-01-00009.0000

**Location:** Estero, Lee County

**TO:** Ms Mary Gibbs, Director,  
Lee County Department of Community Development  
P.O. Box 398  
Ft Myers, FL 33902-0398

**Items transmitted via:** Hand Delivery

**We are sending you the following items:**

- 6 – Application For A Comprehensive Plan Amendment w/ exhibits
- 1 – Check # 2751 in the amount of \$2,120.00 made payable to the BOCC

**Remarks:**

Signed:



**Bob Thinner, AICP**

cc: A.P. DeSalvo, Trustee





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: 9/26/02

REC'D BY: Am Ku

APPLICATION FEE: \$2120.00

TIDEMARK NO: CPA 2002-00002

THE FOLLOWING VERIFIED:

Zoning AG-2 ☒

Commissioner District ☒ 03

Designation on FLUM ☒

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ 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.

9-24-02  
DATE

A.P. DeSalvo  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

A.P. DeSalvo, Trustee  
Estero 60 Acre Land Trust

## I. APPLICANT/AGENT/OWNER INFORMATION

Estero 60 Acre Land Trust; A.P. DeSalvo, Trustee  
APPLICANT  
3960 Via Del Rey  
ADDRESS  
Bonita Springs Florida 34134  
CITY STATE ZIP  
(239) 947-6800 (239) 947-3891  
TELEPHONE NUMBER FAX NUMBER

D. Wayne Arnold, AICP; Q. Grady Minor & Associates, P.A.  
AGENT\*  
3800 Via Del Rey  
ADDRESS  
Bonita Springs Florida 34134  
CITY STATE ZIP  
(239) 947-1144 (239) 947-0375  
TELEPHONE NUMBER FAX NUMBER

Estero 60 Acre Land Trust; A.P. DeSalvo, Trustee  
OWNER(s) OF RECORD  
3960 Via Del Rey  
ADDRESS  
Bonita Springs Florida 34134  
CITY STATE ZIP  
(239) 947-6800 (239) 947-3891  
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 19)

List Number(s) of Map(s) to be amended

Map # 1

**B. SUMMARY OF REQUEST (Brief explanation):**

Change existing Rural classification to outlying suburban.

Surrounding land use classifications and existing land use densities

are equal to or greater than outlying suburban. Rural is not consistent

with surrounding area.

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

**A. Property Location:**

1. Site Address: 4800 Pine Road

2. STRAP(s): 20-46-25-01-00009.0000

**B. Property Information**

Total Acreage of Property: 60.32 ±

Total Acreage included in Request: 60.32 ±

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

Total Uplands: 52.52 ± Acres

Total Wetlands: 7.8 ± Acres

Current Zoning: Ag-2

Current Future Land Use Designation: Rural, wetlands, urban community



Existing Land Use: Vacant

- 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:

Rural to outlying suburban

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 1.0 du/ac.

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 3.0 du/ac

Commercial intensity N/A

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	\$500.00 each
Map Amendment > 20 Acres	\$500.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Text Amendment Flat Fee	\$1,250.00 each

**AFFIDAVIT**

I, A.P. DeSalvo, 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.

  
 Signature of owner or owner-authorized agent

9-24-02  
 Date

**A.P. DeSalvo, Trustee**  
**Estero 60 Acre Land Trust**



ANDREW P. DESALVO

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 04TH day of SEPTEMBER ~~19~~<sup>20</sup>2002  
by ANDREW P. DESALVO, who is personally known to me or who has produced  
as identification.

(SEAL)



Sharon Umpenhour  
Commission # DD 076492  
Expires Dec. 4, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

Sharon Umpenhour

Signature of notary public

Printed name of notary public

AFFIDAVIT

I, ANDREW P. DESALVO, 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.

AP Desalvo, Trustee  
Signature of owner or owner-authorized agent

9-24-02  
Date

ANDREW P. DESALVO  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 24<sup>th</sup> day of SEPTEMBER 20 02, by ANDREW P. DESALVO, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Sharon Umpenhour  
Commission # DD 076492  
Expires Dec. 4, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

Sharon Umpenhour  
Signature of notary public

\_\_\_\_\_  
Printed name of notary public

## **LIST OF CONSULTANTS**

Rae Ann Boylan  
Boylan Environmental Consultants, Inc.  
11000 Metro Parkway, Suite 4  
Fort Myers, FL 33912  
(239) 418-0671



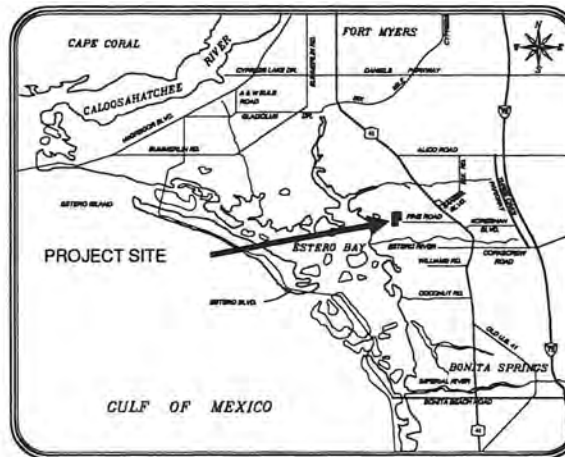
# ESTERO 60 ACRE LAND TRUST

## COMPREHENSIVE PLAN AMENDMENT

LOCATED IN:  
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
ESTERO, LEE COUNTY, FLORIDA

### OWNER/ DEVELOPER

ESTERO 60 ACRES LAND TRUST  
3960 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134



LOCATION MAP

N.T.S.

### INDEX OF EXHIBITS

#### DWG. No.

#### DESCRIPTION

- | <u>DWG. No.</u> | <u>DESCRIPTION</u>                 |
|-----------------|------------------------------------|
| 1               | COVER SHEET AND INDEX OF EXHIBITS  |
| 2               | FUTURE LAND USE MAP PROPOSED       |
| 3               | EXISTING LAND USE & ZONING MAP     |
| 4               | SOILS MAP                          |
| 5               | ARCHAEOLOGICAL AND TOPOGRAPHIC MAP |
| 6               | WETLAND MAP                        |

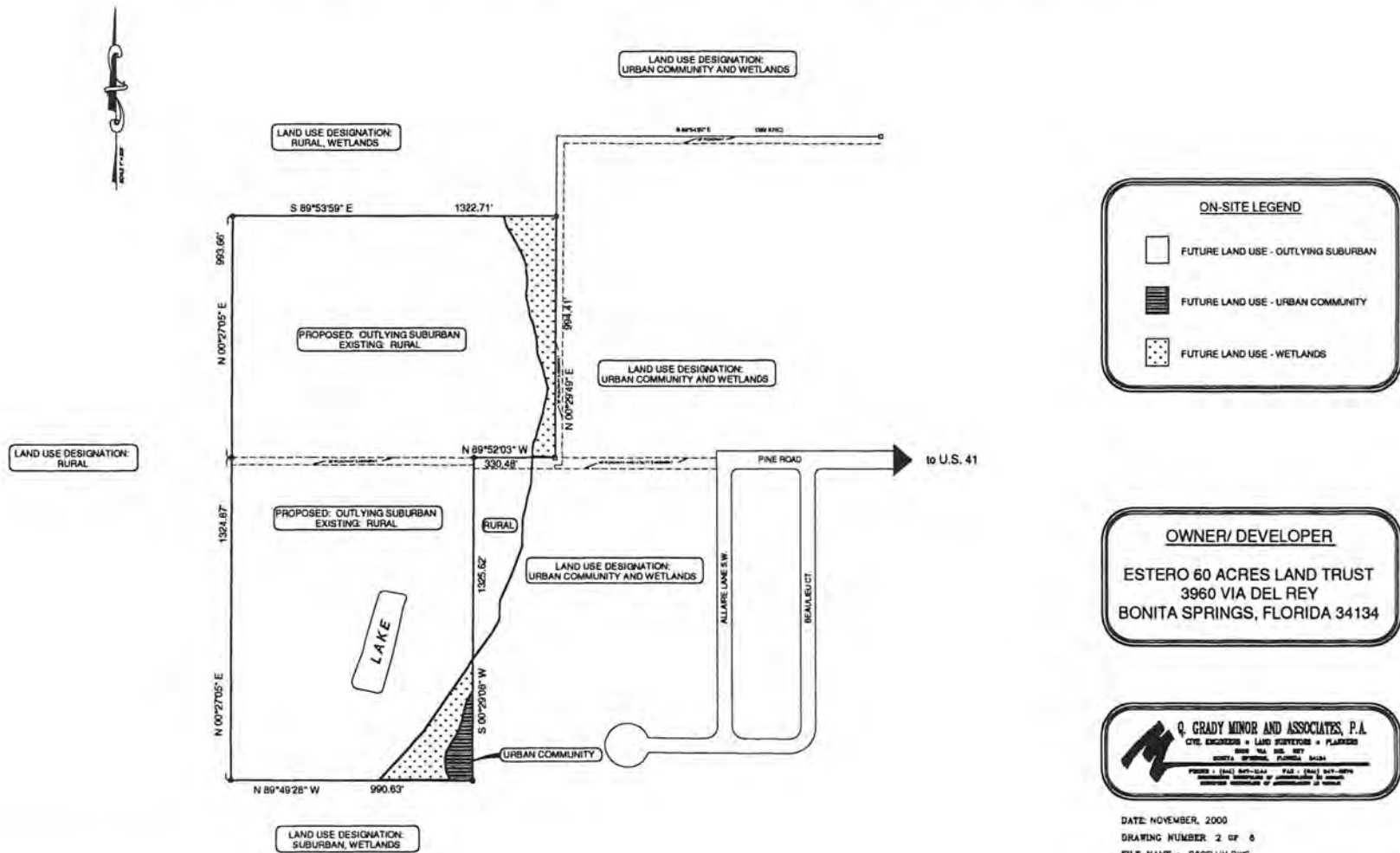


PREPARED BY:  
**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
3960 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134  
PHONE : (841) 947-1144 FAX : (841) 947-0375  
ENGINEERING CERTIFICATE OF AUTHORIZATION EA 000616  
SURVEYING CERTIFICATE OF AUTHORIZATION LS 10048

DATE: NOVEMBER 2000  
REVISION DATE:  
FILE: D04ECOV1  
DRAWING NUMBER: 1 OF 6

# ESTERO 60 ACRE LAND TRUST

## FUTURE LAND USE MAP (EXISTING & PROPOSED)





**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
8000 E. 14th ST.  
SUITE 200, FLORIDA PALM  
PHONE: (304) 547-0444 FAX: (304) 547-0776  
COMMERCIAL, RESIDENTIAL & INDUSTRIAL IN DESIGN

DATE: NOVEMBER, 2000  
DRAWING NUMBER 3 OF 6  
FILE NAME : D80ELU2M.DWG



# ESTERO 60 ACRE LAND TRUST

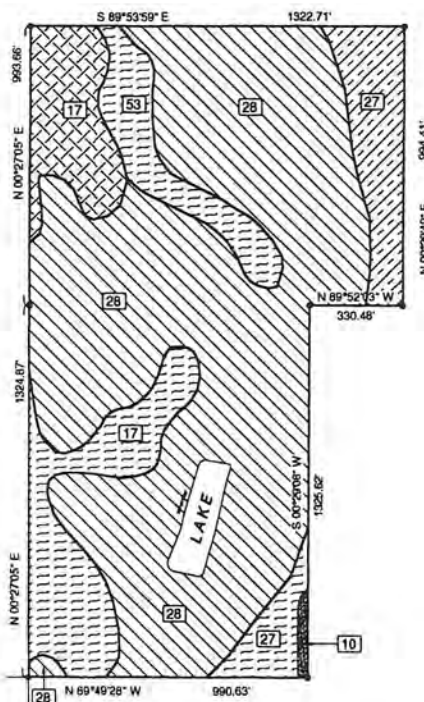
## SOILS MAP



### SOIL CLASSIFICATION

- 10 - POMPANO FINE SAND
- 17 - DAYTONA SAND
- 27 - POMPANO FINE SAND, DEPRESSIONAL
- 28 - IMMOKALEE SAND
- 53 - MYAKKA FINE SAND, DEPRESSIONAL

SOILS DETERMINATION FROM SOIL SURVEY OF LEE COUNTY,  
FLORIDA; SOIL CONSERVATION SERVICE, UNITED STATES  
DEPARTMENT OF AGRICULTURE.



### OWNER/ DEVELOPER

ESTERO 60 ACRES LAND TRUST  
3960 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134

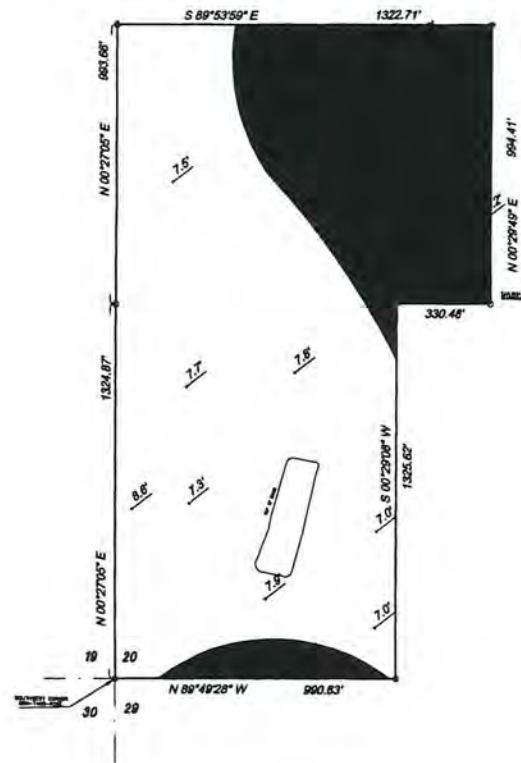


Q. GRADY MINOR AND ASSOCIATES, P.A.  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
FIRM: FLS, INC., INC.  
BONITA SPRINGS, FLORIDA 34134  
PROFESSIONAL ENGINEER LICENSE NO. 12444 - FLS, INC., INC.  
PROFESSIONAL LAND SURVEYOR LICENSE NO. 12444 - FLS, INC., INC.

DATE: SEPTEMBER, 2000  
DRAWING NUMBER: 4 OF 5  
FILE NAME: D60S01.DWG

# ESTERO 60 ACRE LAND TRUST

## ARCHAEOLOGICAL AND TOPOGRAPHIC MAP



### LEGEND

7.5  
N.G.V.D. 1929

7.5  
SENSITIVITY LEVEL 2

ENTIRE PARCEL WITHIN 100 YEAR FLOOD BOUNDARY

### NOTES

ELEVATION DETERMINATION TAKEN FROM LEE COUNTY AERIAL PHOTOGRAPH. ELEVATIONS COMPILED BY PHOTOGRAMMETRIC METHODS BY HAMPRICK AERIAL SURVEYS, INC. DATE OF MAPPING, SEPTEMBER 1981. ELEVATIONS BASED ON USC & GS DATUM.

SENSITIVITY ZONE DETERMINATION TAKEN FROM LEE COUNTY ARCHAEOLOGICAL SENSITIVITY MAP.

100-YEAR FLOOD BOUNDARY TAKEN FROM FIRM (FLOOD INSURANCE RATE MAP), COMMUNITY- PANEL NUMBER 125124 C455 B, EFFECTIVE DATE, SEPTEMBER 19, 1984.

### OWNER/ DEVELOPER

ESTERO 60 ACRES LAND TRUST  
3960 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134

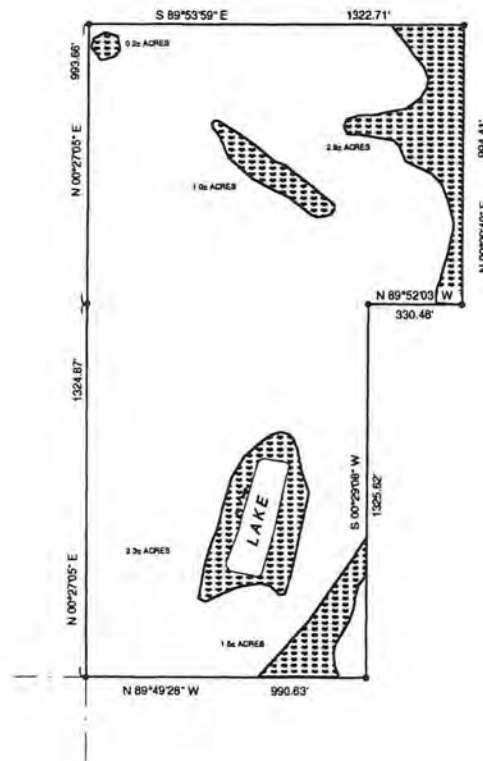


Q. GRADY MINOR AND ASSOCIATES, P.A.  
CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS  
BONITA SPRINGS, FLORIDA 34134  
PHONE : (813) 847-1244 FAX : (813) 847-8075  
FEDERAL REGISTER OF PROFESSIONAL ENGINEERS  
EXPIRATION DATE OF REGISTRATION 12/31/2005

DATE: NOVEMBER, 2000  
DRAWING NUMBER 5 OF 8  
FILE NAME : D80TQPM.DWG

# ESTERO 60 ACRE LAND TRUST

## WETLAND MAP



WETLAND DETERMINATION PROVIDED BY :  
BOYLAN ENVIRONMENTAL CONSULTANTS, INC.

### LEGEND



MELALEUCA WETLAND

### OWNER/ DEVELOPER

ESTERO 60 ACRES LAND TRUST  
3960 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134



Q. GRADY MINOR AND ASSOCIATES, P.A.

CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS

10000 N.W. 10TH AVE., SUITE 200

BONITA SPRINGS, FLORIDA 34134

PHONE : (304) 847-1244 FAX : (304) 847-0075

EXPERIENCE VERIFIED BY PROFESSIONAL SEAL UNDER

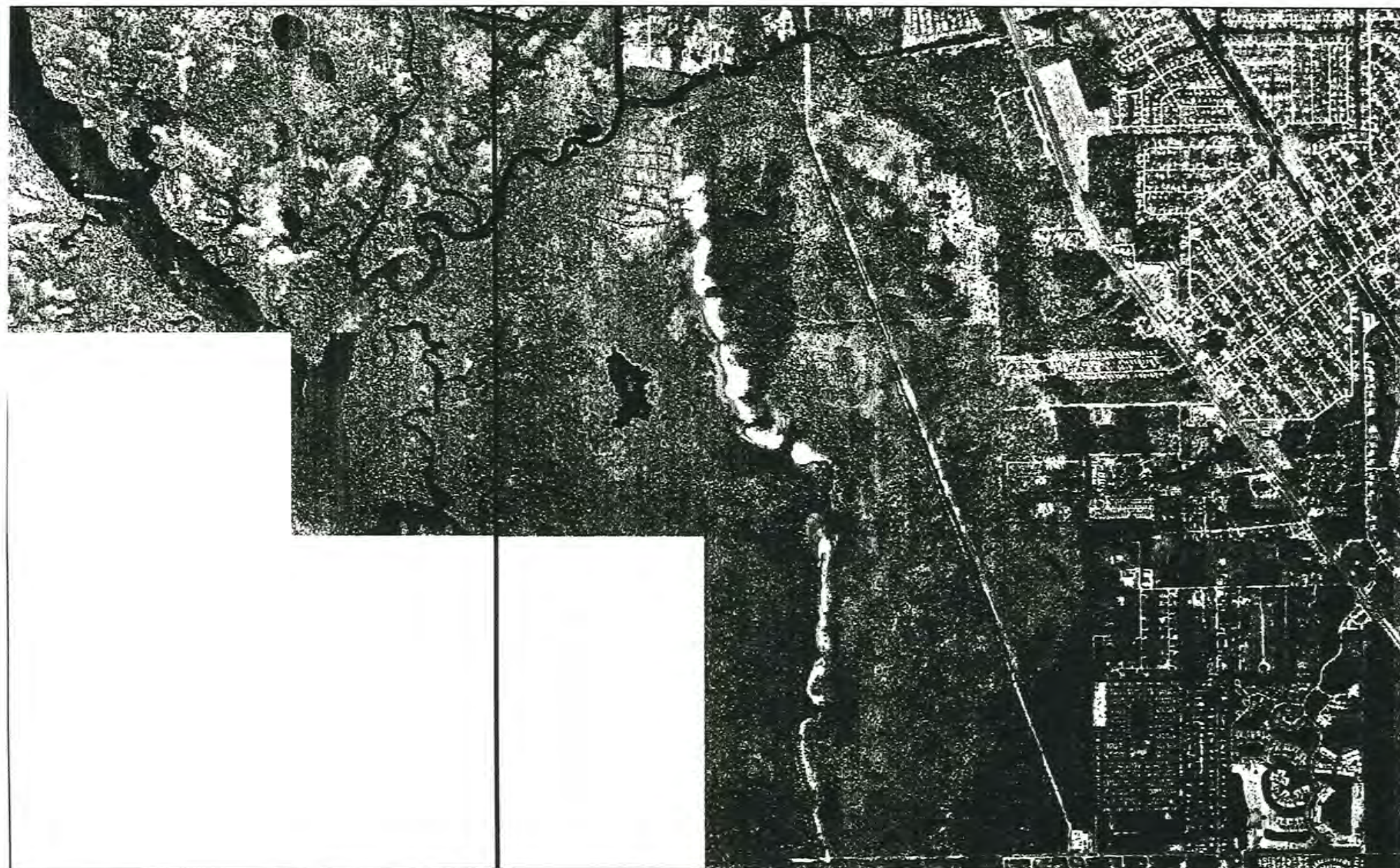
EXERCISE JURISDICTION OF PROFESSIONAL ENGINEER

DATE: NOVEMBER, 2000

DRAWING NUMBER 6 OF 6

FILE NAME : D60WETM.DWG





NOTE: AERIAL IS TO AN APPROXIMATE SCALE OF 1" = 800'  
NOTE: AERIAL FLOWN DATE: FEBRUARY, 1986

OWNER/DEVELOPER

Revision	Date	Description	By

DRAWN BY: S.A.J.  
DRAWN BY: S.A.J.  
APPROVED: QGM  
JOB CODE: EBOCP  
SCALE: 1" = 800'

**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
8000 VIA DEL REY  
FORTA SPUR, FLORIDA 34204  
PHONE: (841) 947-1244 FAX: (841) 947-0075  
EQUIPMENT SUPPLIES BY AUTHORITY OF THE STATE  
REGISTERED PROFESSIONAL ENGINEER IN FLORIDA

ESTERO 60 ACRES

DATE: DECEMBER 2001 FILE NAME: BAYAES DRAWING NUMBER: 1 OF 1



6.00 - REC.  
~~3572.10 - docs~~  
~~3572.10 - docs~~

4481863

DR3019 960677

This Document Prepared By and Return to:  
**RALPH A. RICHARDSON**  
 Attorney at Law  
 27726 Old 41 Road, Ste. 104  
 Bonita Springs, FL 34135

Parcel ID Number: 20-46-25-01-00009.0000 WOL  
 Owner #1 TIN:  
 Owner #2 TIN:

## Personal Representative's Deed

This Indenture, is made this 24 th day of September, 1998, by and between  
**PAUL F. SMITH**, individually, a single person, and

as Personal Representative of the Estate of **MABEL T. STEPHENS**, a/k/a **MABEL STEPHENS**, deceased Grantor, and  
**A. P. DeSALVO**, as Trustee a/k/a **MABEL T. STEVENS**

whose post office address is: **3960 Via Del Ray, Bonita Springs, Florida 34134**

of the County of Lee State of Florida . Grantee.  
 Witnesseth: Grantor, pursuant to Order Authorizing Sale dated August 27th, 1998 and in consideration of the sum  
 of One Dollar (\$1.00) paid to Grantor by Grantee, receipt of which is acknowledged, grants, bargains and sells to Grantee, and Grantee's heirs,  
 successors and assigns forever, the real property in Lee County, Florida described as

**Lots 6 - 11, of that certain subdivision known as SAN CARLOS GROVE TRACT, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 4, page 75, public records of Lee County, Florida.**

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 1997.

RECORDED BY  
 JOANNE MILLER, D.C.

Documentary Tax P.O. # 3572.10  
 Intangible Tax P.O. # 3572.10  
 CHARLIE GREEN, CLERK, LEE COUNTY  
 P. J. Looney Deputy Clerk

CHARLIE GREEN, CLERK  
 LEE COUNTY, FL  
 OCT - 2 PM 3:19

Together with all and singular the tenements, hereditaments, and appurtenances belonging or in anywise appertaining to the real property.  
 To Have And To Hold the same to Grantee, and Grantee's heirs, successors and assigns, in fee simple forever.  
 Add Grantor does covenant up and with the Grantee, and Grantee's heirs, successors and assigns, that in all things preliminary to and in and about  
 this conveyance, Order Authorizing Sale dated August 27th, 1998, and the laws of the State of Florida have been  
 followed and complied with in all respects.  
 In Witness Whereof, the undersigned, as personal representative of the estate of said decedent, has executed this instrument under seal on  
 the date aforesaid.

Signed, sealed and delivered in our presence:

Ralph A. Richardson  
 Printed Name: Ralph A. Richardson  
 Witness

Terralla L. Houston  
 Printed Name: Terralla L. Houston  
 Witness

Paul F. Smith (Seal)  
 PAUL F. SMITH, as Personal Representative  
 P.O. Address: POST OFFICE BOX 434  
ESTERO, FLORIDA 33928  
Paul F. Smith (Seal)  
 PAUL F. SMITH, individually  
 P.O. Address: POST OFFICE BOX 434  
ESTERO, FLORIDA 33928

STATE OF Florida  
 COUNTY OF Lee

The foregoing instrument was acknowledged before me this 24th day of September, 1998 by  
**PAUL F. SMITH**

as personal representative of the estate of **MABEL T. STEPHENS**  
 He is personally known to me or he has produced his

Charles C. Keller  
 State of Florida  
 Notary Public, Exp. 01-01-99  
 My Comm. No. 6004723

Charles C. Keller  
 Printed Name: Charles C. Keller  
 Notary Public

#### **SECTION IV.B.1. TRAFFIC CIRCULATION**

The property is served by Pine Road, a two-lane local road. The right-of-way width varies. Much of the property along Pine Road is currently vacant. Traffic counts are not available for Pine Road, but would be expected to be well above LOS C volumes. The proposed project is expected to add less than 200 peak hour trips to the local road. Addition of this volume of traffic would not be expected to reduce the level of service for the roadway. It is not expected that the requested designation would require any revisions to Traffic Circulation or Capital Improvements elements.



SUMMARY OF TRIP GENERATION CALCULATION  
FOR 180 DWELLING UNITS OF SINGLE FAMILY DWELLINGS  
9-22-98

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	9.89	0.00	1.00	1780
7-9 AM PK HR ENTER	0.19	0.00	1.00	34
7-9 AM PK HR EXIT	0.56	0.00	1.00	102
7-9 AM PK HR TOTAL	0.75	0.00	1.00	135
4-6 PM PK HR ENTER	0.65	0.00	1.00	117
4-6 PM PK HR EXIT	0.36	0.00	1.00	66
4-6 PM PK HR TOTAL	1.01	0.00	1.00	182
SATURDAY 2-WAY VOL	10.09	0.00	1.00	1816
PK HR ENTER	0.51	0.00	1.00	92
PK HR EXIT	0.44	0.00	1.00	78
PK HR TOTAL	0.95	0.00	1.00	171
SUNDAY 2-WAY VOL	8.77	0.00	1.00	1578
PK HR ENTER	0.47	0.00	1.00	85
PK HR EXIT	0.42	0.00	1.00	75
PK HR TOTAL	0.89	0.00	1.00	160

Note: A zero rate indicates no rate data available  
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .92LN(X) + 2.707, R^2 = .96$   
 7-9 AM Peak Hr. Total:  $T = .7(X) + 9.477$   
 $R^2 = .89, .25 \text{ Enter}, .75 \text{ Exit}$   
 4-6 PM Peak Hr. Total:  $LN(T) = .901LN(X) + .527$   
 $R^2 = .91, .64 \text{ Enter}, .36 \text{ Exit}$   
 AM Gen Pk Hr. Total:  $T = .704(X) + 12.09$   
 $R^2 = .89, .25 \text{ Enter}, .75 \text{ Exit}$   
 PM Gen Pk Hr. Total:  $LN(T) = .887LN(X) + .605$   
 $R^2 = .91, .64 \text{ Enter}, .36 \text{ Exit}$   
 Sat. 2-Way Volume:  $LN(T) = .956LN(X) + 2.54, R^2 = .92$   
 Sat. Pk Hr. Total:  $T = .886(X) + 11.065$   
 $R^2 = .9, .54 \text{ Enter}, .46 \text{ Exit}$   
 Sun. 2-Way Volume:  $T = 8.832(X) + -11.604, R^2 = .94$   
 Sun. Pk Hr. Total:  $T = .756(X) + 23.815$   
 $R^2 = .86, .53 \text{ Enter}, .47 \text{ Exit}$

Source: Institute of Transportation Engineers  
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

**SECTION IV.B.2. a.**  
**SANTARY SEWER**

The property lies within the franchise area of Gulf Environmental Services, Inc. There are no sanitary sewer facilities within one quarter mile of this site, therefore, this site will utilize individual on-site septic systems per Florida Administrative Code Chapter 64E-6, Standards for Onsite Sewage Treatment and Disposal Systems.

**SECTION IV.B.2. b.**  
**POTABLE WATER**

Potable water is available to the site. The franchise area is Gulf Environmental Services, Inc. Conversations with personnel at the water utility indicate that adequate flow and pressure are available.



**SECTION IV.B.2.c.**  
**DRAINAGE/SURFACE WATER MANAGEMENT**

Surface water management will be provided by a series of lakes, connecting culverts and outfall structure. All will be permitted through the South Florida Water Management District and will comply with their rules and regulations.

**SECTION IV.B. 2.d.**  
**PARKS, RECREATION AND OPEN SPACE**

The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero.



# LEE COUNTY

SOUTHWEST FLORIDA

## BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 335-1604

John E. Manning  
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

October 15, 1998

Bob Thimes, AICP  
Q. Grady Minor & Associates. P. A.  
3800 Via Del Rey  
Bonita Springs, Florida 34143

Re: Letter of Adequacy / Availability for Parcel  
Strap No. 20-46-25-01-00009.0000, 4800 Pine Road 60 ± acres

Dear Mr. Thimes:

If the above named parcel is changed to outlying suburban from rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit / 3 dwelling units per acre). The residents could generate 45 calls annually for EMS resources.

Without a site plan showing ingress / egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances / personnel are acquired according to current budgetary plans.

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

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen  
EMS Program Manager

cc: Chief Ippilito, San Carlos Park FD  
Matt Noble, County Planning  
DPS Administration

k:\users\chrish\impact\qgma.let



Office of the Sheriff



John J. McDougall

State of Florida  
County of Lee

February 19, 1999

Q. Grady Minor & Associates, P.A.  
Mr. Bob Thinnes, AICP  
3800 Via Del Rey  
Bonita Springs, Florida 34134

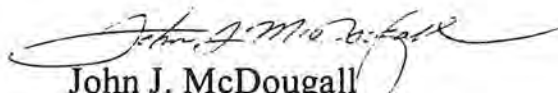
RE: 4800 Pine Road, 60 + Acres  
STRAP No. 20-46-25-01-00009.0000

Dear Mr. Thinnes:

Due to severe budget constraints coupled with the growth of the county, my office operates at full capacity. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

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

Sincerely,

  
John J. McDougall  
Sheriff of Lee County

Cc: file





# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102 • FAX (941) 337-8378

September 23, 1998

Mr. Bob Thinnes  
Q. Grady Minor & Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, FL 34134

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, Estero, Section 20, Township 46 S., Range 25 E.

Dear Mr. Thinnes:

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 60 acre existing Rural parcel could contain up to 60 dwelling units at one unit per acre. The proposed amendment to Outlying Suburban would increase the potential density to three units per acre, or 180 units. These units would generate approximately 38 public school students, creating a need for up to 2 new classrooms in the District.

The schools in the South region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be addressed by the applicant.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Facilities Management and Capital Projects

cc: Frederick Gutknecht, Director, Facilities Management and Capital Projects  
Don Easterly, Program Manager  
Dr. Ande Albert, Assistant Superintendent for Business/Administrative

DR. DOUGLAS SANTINI  
CHAIRMAN • DISTRICT 1

PATRICIA ANN RILEY  
VICE CHAIRMAN • DISTRICT 3

KATHERINE BOREN  
DISTRICT 4

BILL GROSS  
DISTRICT 5

LANNY MOORE, SR.  
DISTRICT 2

BRUCE HARTER, PH.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

JAMES E. BAKER  
STAFF ATTORNEY

SECTION IV. B.S.  
**Q. GRADY MINOR & ASSOCIATES, P.A.**

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.  
MARK W. MINOR, P.E.  
C. DEAN SMITH, P.E.  
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN  
ROBERT W. THINNES, A.I.C.P.  
ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Mr. Tom Bard  
Fire Inspector  
8013 Sanibel Boulevard  
Fort Myers, FL 33912

RE: 4800 Pine Road, 60± Acres  
STRAP No. 20-46-25-01-00009.0000

Dear Mr. Bard:

Our office is in the process of submitting an application to Lee County to amend the Lee County Future Land Use Map for the above referenced property. The existing land use classification is Rural and the proposed classification is Outlying Suburban. The Rural category permits 1.0 dwelling units per acre while the Outlying Suburban permits 3.0 dwelling units per acre.

The application requires that a letter be provided from your agency determining the adequacy of existing or proposed support facilities. Respectfully request your office provide our office with a letter of determination of those existing or proposed facilities. For your convenience, we are enclosing a copy of a Lee County tax map.

If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

Enclosure

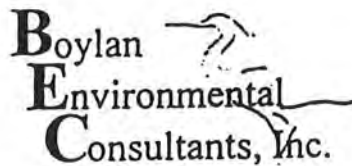
F:D60



**Pine Road 60**  
S 20 / T 46S / R 25E

---

**Protected Species Survey**



*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672

December 11, 2001

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## **INTRODUCTION**

Environmental scientists from Boylan Environmental Consultants, Inc conducted field investigations on the +/- 60.32 acre property during the week of July 9 and December 10, 2001 to identify the presence of protected species and potential occupied habitat. Specifically, the July survey periods covered the upland, palmetto prairie dominated areas and the December survey the melaleuca slough on the east. The weather conditions in July were full sun on one day and overcast the other with temperatures in the lower 90°'s and in the upper 70°'s in December

The project site is located at the end of Pine Road, west of U.S. 41 in Estero in Section 20, Township 46 South, Range 25 East, Lee County.

## **METHODOLOGY**

The survey was comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Next, the FLUCCS codes are cross-referenced with a Potential Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCCS community. The table at end of the report lists the FLUCCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Overlapping transects were walked with specific attention placed on locating Gopher Tortoise burrows in the uplands and potential fox squirrel nests in the wetlands.

## **SITE CONDITIONS**

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions.

### **321/411, Saw Palmetto – Slash Pine (43.32 acres)**

This community is dominated by saw palmetto in the understory and slash pine in the canopy; canopy coverage is approximately 20% or less. Other predominant vegetation includes melaleuca, tarflower, pennyroyal, wiregrass, and saltbush. There are two small clumps of areas containing numerous live oak in the south; these areas are too small to map. This community is considered uplands by Lee County and the SFWMD.

### **321/421, Saw Palmetto – Dog Hair Melaleuca (5.07 acres)**

This community is dominated by saw palmetto in the understory and dog hair melaleuca in the midcanopy. Other vegetation includes wiregrass, saltbush, and yellow – eyed grass. This community is considered uplands by Lee County and the SFWMD.

### **424, Melaleuca (0.35 acres)**

This community is an isolated melaleuca patch in the northwest portion of the site. Groundcover is virtually non – existent. This community is considered uplands by Lee County and the SFWMD.

**424H, Melaleuca Wetlands (7.80 acres)**

This community is comprised of five isolated melaleuca wetlands interspersed with in the uplands and the large melaleuca slough on the east side of the parcel. The isolated wetlands are dominated by melaleuca in the canopy and mid canopy with yellow – eyed grass and swamp fern in the understory. The large melaleuca slough to the east is dominated by melaleuca in the canopy with random cypress, slash pine, and cabbage palm. Understory species consist of swamp fern where present. This community is considered wetlands by Lee County and the SFWMD.

**500, Other Surface Water (1.23 acres)**

A Borrow area located in the south – central portion of the site.

**740, Disturbed Areas (0.74 acres)**

This community has previously been cleared and is located adjacent to the FPL easement and ditch located in the southwest portion of the parcel.

**743, Berm (0.08 acres)**

A fill road or Berm is located in the northern portion of the melaleuca slough. This berm has effectively separated the slough. There is a 20" (or so) culvert on the east side of the slough that connects the slough but it is in need of repair. This berm has effectively altered the natural flow of water through the slough. This community is considered uplands by Lee County and the SFWMD.

**832, FPL Easement (1.73 acres)**

An FPL easement bisects the southwest corner of the property. This community is considered uplands by Lee County and the SFWMD.

**SPECIES PRESENCE**

The various listed species that may occur in the FLUCCS communities have been tabulated on the attached table.

Approximately 23 active and 17 inactive tortoise burrows have been flagged onsite. The FWC recently started using a 0.40 acre conversion factor (formerly 0.30) applied to active and inactive tortoise burrows in arriving at the number of expected tortoise on site; when an application for a Gopher Tortoise Incidental Taker Permit is submitted. Applying this factor to our survey, approximately 16 tortoises would be expected to be inhabiting the site ( $0.40 * 40 = 16$ ).

Approximately 5 potential fox squirrel nests were located in melaleuca trees in the melaleuca slough.



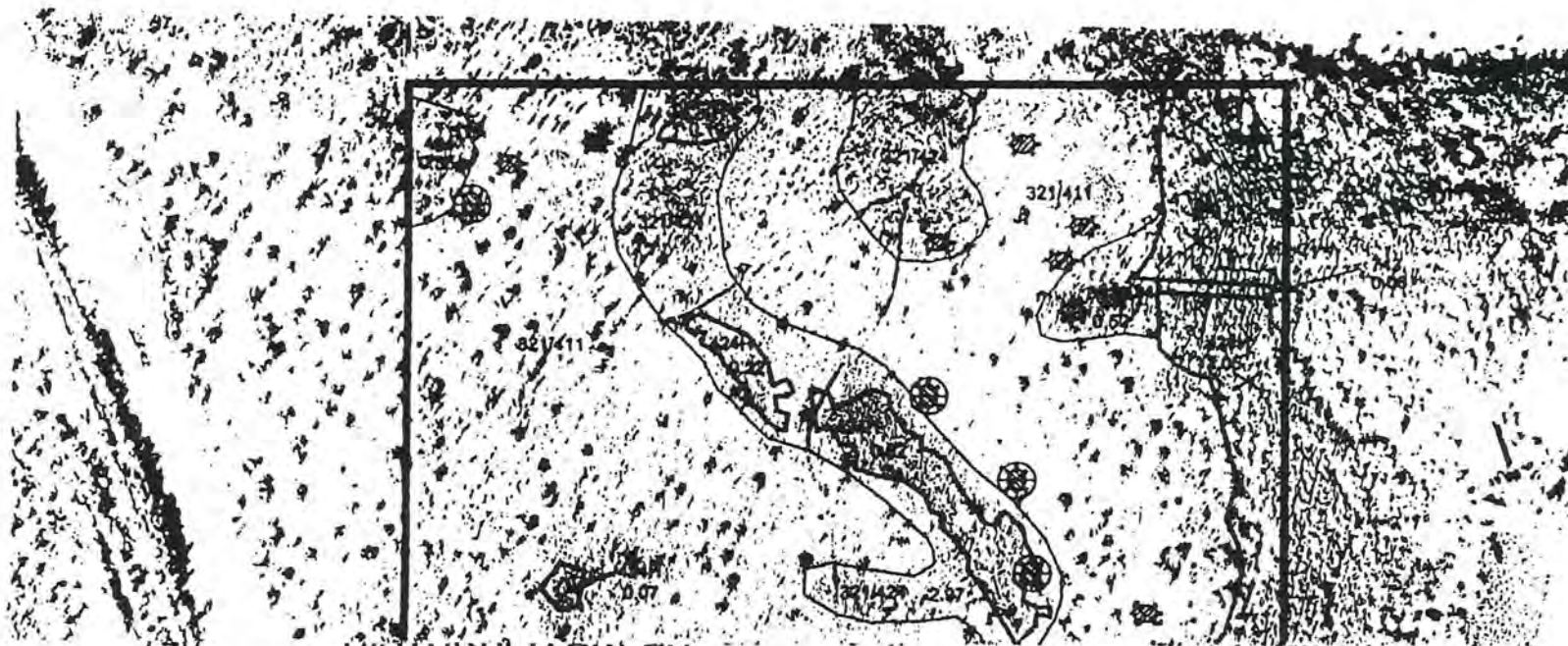
**Table.** Protected species list cross referenced with onsite FLUCCS categories.

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
321/411	Beautiful Pawpaw	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	20
	Eastern Indigo Snake	95+	X***		-	20
	Fakahatchee Burmannia	95+		X	-	20
	Florida Black Bear	95+		X	-	20
	Florida Coontie	95+		X	-	20
	Florida Panther	95+		X	-	20
	Gopher Frog	95+	X***		-	20
	Gopher Tortoise	95+	X		0.37 tortoise / acre*	20
	Red-Cockaded Woodpecker	95+		X	-	20
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
321/424	Beautiful Pawpaw	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	20
	Eastern Indigo Snake	95+		X	-	20
	Fakahatchee Burmannia	95+		X	-	20
	Florida Black Bear	95+		X	-	20
	Florida Coontie	95+		X	-	20
	Florida Panther	95+		X	-	20
	Gopher Frog	95+		X	-	20
	Gopher Tortoise	95+		X	-	20
	Red-Cockaded Woodpecker	95+		X	-	20
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
424	Big Cypress Fox Squirrel	95+		X	-	
424H	Big Cypress Fox Squirrel	95+	X**	X	NA	
500	American Alligator	95+		X	-	100
	Everglades Mink	95+		X	-	100
	Limpkin	95+		X	-	100
	Little Blue Heron	95+		X	-	100
	Reddish Egret	95+		X	-	100
	Roseate Spoonbill	95+		X	-	100
	Snowy Egret	95+		X	-	100
	Tricolored Heron	95+		X	-	100
	Florida Panther	95+		X	-	100
	Florida Black Bear	95+		X	-	100
740	Gopher Tortoise	95+		X	-	100
743	Gopher Tortoise	95+		X	-	100
832	None	95+		X	-	100

\*Based on 16 tortoise in 43.32 acres (FLUCCS 321/411)

\*\*No fox squirrels were observed, only potential nests in melaleuca trees

\*\*\*No gopher tortoise or eastern indigo snakes were observed; because of gopher tortoise burrows, the potential exists for them to inhabit the site



743  
832

BERM  
FPL EASEMENT

0.08  
1.73

60.32 ACRES

- ▣ ACTIVE TORTOISE BURROW, 23
- ⊗ INACTIVE TORTOISE BURROW, 17
- ⊗ ABANDONED TORTOISE BURROW, 3
- × POTENTIAL NESTS IN MELALEUCA, 5

$(23 + 17) * 0.40 = 16$  EXPECTED GOPHER TORTOISE

PINE  
LISTEI

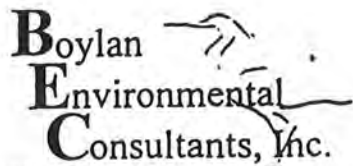
Boylan  
Environmental  
Consultants, Inc.  
Felland & Wulfsberg Surveyors, Environmental Permitting,  
Regulatory Administration  
11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (941) 418-0671

---

**Pine Road 60**  
**S 20 / T 46S / R 25E**

---

**Habitat Management Plan for  
Listed Species**



*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672

December 11, 2001

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## INTRODUCTION

Environmental scientists from Boylan Environmental Consultants, Inc conducted field investigations on the +/- 60.32 acre property the weeks of July 9 and December 10, 2001 to identify the presence of protected species and potential occupied habitat. The survey documented Gopher Tortoise and the potential for Big Cypress Fox Squirrels on site. Because of gopher tortoise burrows, the potential exists for the Gopher Frog and the Eastern Indigo Snake.

In addition, the Bald Eagle and the Florida Black Bear have been documented on adjacent sites or are presumed to inhabit adjacent sites. This plan is intended to minimize impacts to these species by implementing the following (brief – conceptual) plans.

The subject parcel is located at the end of Pine Road, west of U.S. 41 in Estero in Section 20, Township 46 South, Range 25 East, Lee County.

## GOPHER TORTOISE

A Gopher Tortoise Incidental Take permit would be obtained from the Florida Fish & Wildlife Conservation Commission (FWC).

In addition, prior to construction, tortoise would be relocated to the "Tortoise Relocation – Preserve" as shown on attached Exhibit 1. The preserve, along with all other upland and wetland preserves would be maintained in perpetuity to insure exotic and nuisance species constitute less than 1% coverage immediately following an exotic removal activity and no more than 5% in between removal activities.

## FOX SQUIRREL

Immediately prior to construction or mitigation activities, the areas will be re - checked for the presence of Big Cypress Fox Squirrel nests. If "*actively nesting*" nests are found, 150' buffers would be maintained around the nest trees until the nest(s) are deemed active. When deemed inactive, the (melaleuca) nest tree would be taken down in conjunction with either construction or wetland mitigation activities. It is anticipated the melaleuca slough, would have exotics removed and subsequently replanted with desirable wetland vegetation. The wetland mitigation details are not known at this time and could only be known at time of ERP permitting.

## EASTERN INDIGO SNAKE

Standard protection measures would be established as follows:

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and

to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur.). Informational signs should be posted throughout the construction site and contain the following information:

- a. A description of the eastern indigo snake, its habits and protection under Federal Law;
  - b. Instructions not to injure, harm, harass or kill this species;
  - c. Directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and.
  - d. Telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water, then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a Section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish and Wildlife Conservation Commission for such activities, are permitted to come in contact with or relocate an eastern indigo snake.
  3. If necessary, eastern indigo snakes shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.
  4. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information;
    - a. any sightings of eastern indigo snakes
    - b. summaries of any relocated snakes if relocation was approved for the project (e.g., locations of where and when they were found and relocated);
    - c. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

See attached Exhibit 2 for the Eastern Indigo Snake Protection plan.

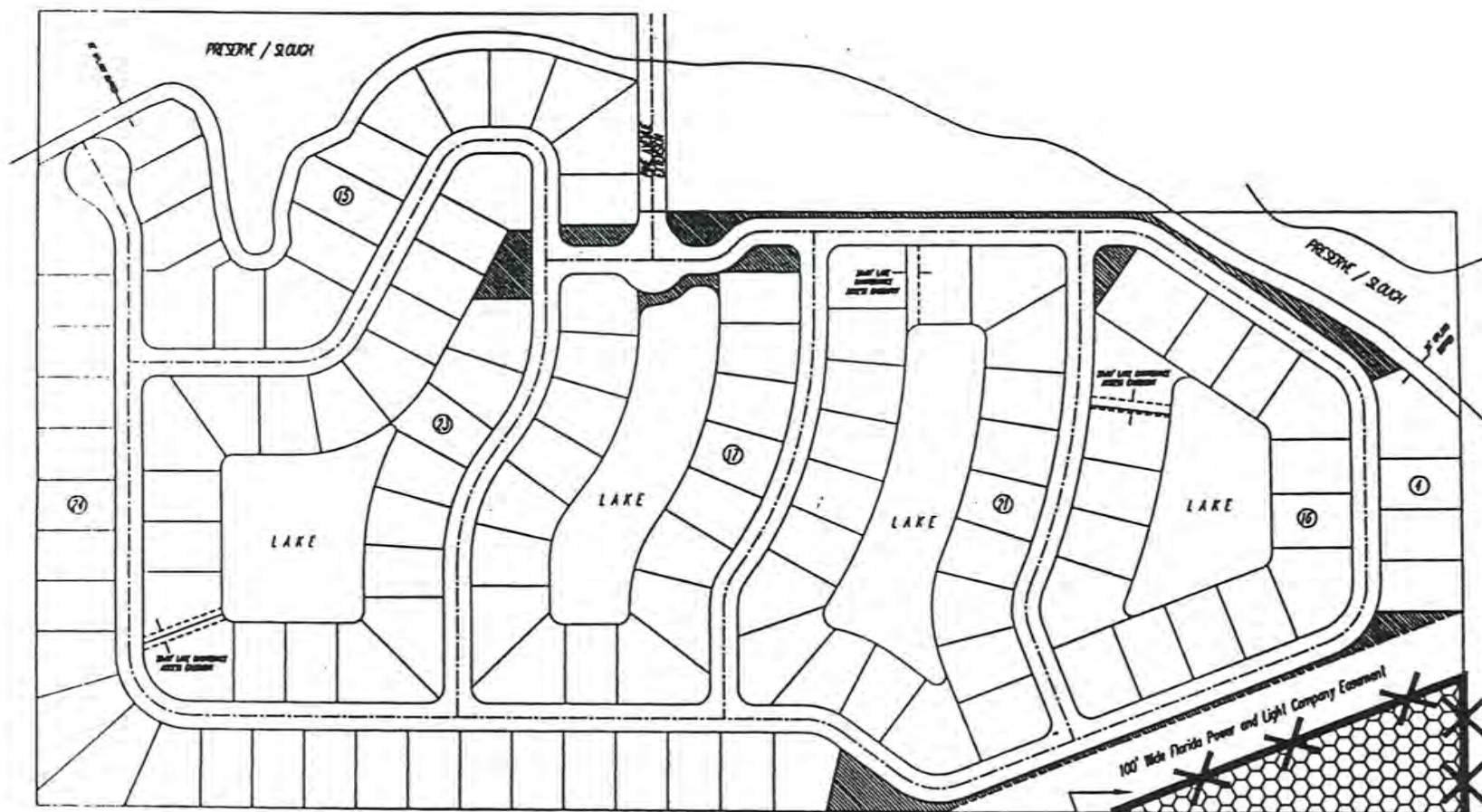
### BALD EAGLE

All construction and mitigation activities within 1500' of the nest tree (located south of the subject parcel) would occur during the non – nesting season, October 1 through May 15. The portion of the Pine Road parcel that falls within the 1500' is shown in Exhibit 3 and is considered the Eagle's Secondary Zone. This is the suggested guideline set forth by the US Fish and Wildlife Service in "*Habitat Management Guidelines For the Bald Eagle in the Southeast Region.*"

### **FLORIDA BLACK BEAR**

- 1) Signage will be place around the preserve areas. This signage (language) would prohibit hand - feeding of wildlife, including birds. This would eliminate leftover food scraps throughout the property. There would be signs stating "Feeding of Animals is Prohibited."
- 2) There would be no beehives, livestock (including fowl), or stables meant to house animals located on site.
- 3) If picnic areas are located on-site, signage would be placed in the vicinity reminding people to remove all food scraps and refuse when leaving.





TORTOISE FENCE DEPICTED BY BOLD LINE AND X



TORTOISE RELOCATION -  
PRESERVE AREA

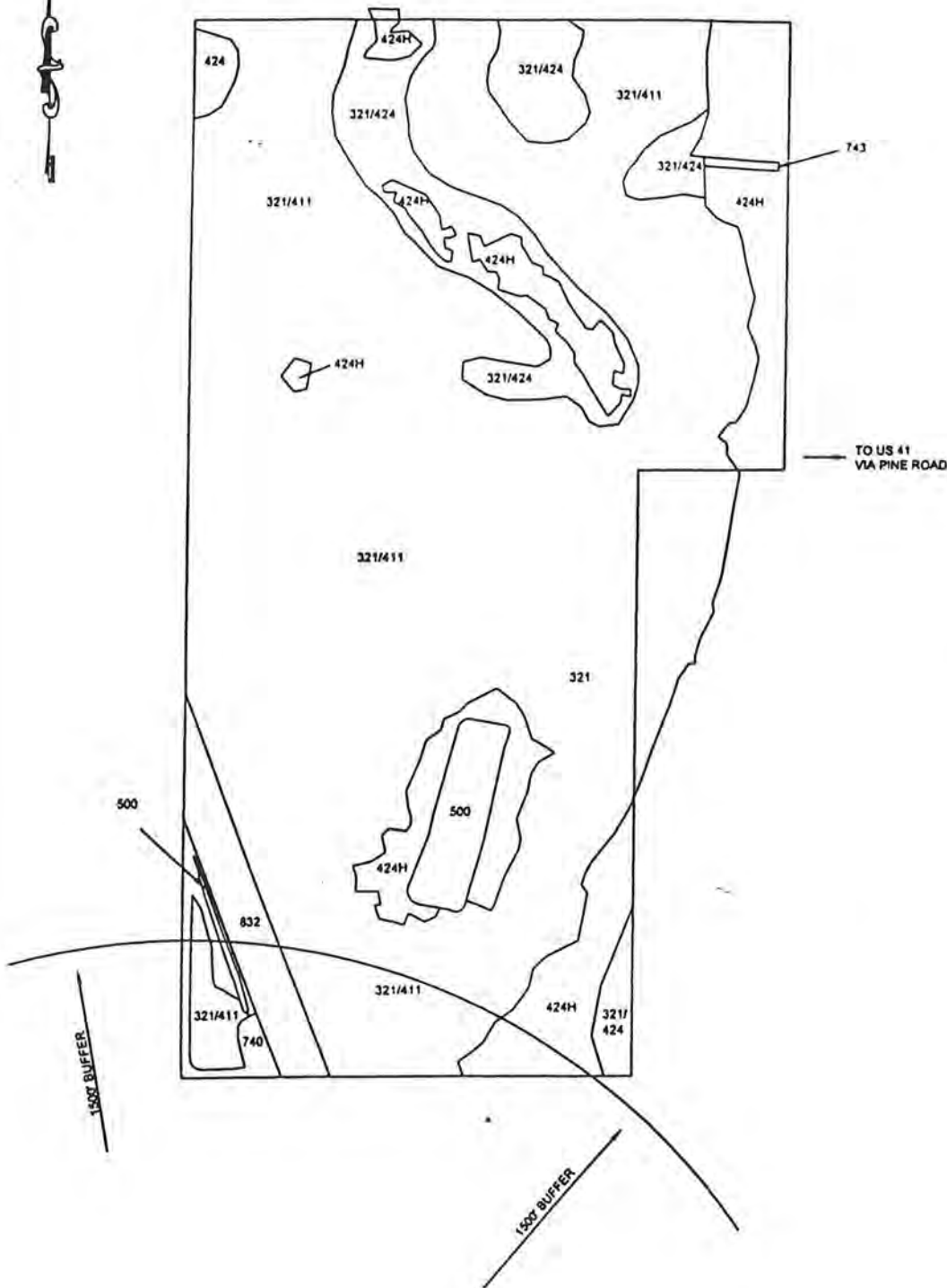
JOB # 9852  
SCALE TORTOISE FENCE  
FILE 1"=300'  
DRAWN BY JMK

PINE ROAD  
TORTOISE PRESERVE

COUNTY LEE  
SEC 20

Boylan  
Environmental  
Consultants, Inc.





**Boylan Environmental Consultants, Inc.**  
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments  
11000 Metro Parkway, Suite 401, Miami, FL 33156 (305) 418-0871

COUNTY	LEE
SEC	20
TWP	46S
RNG	25E
REVISIONS	

APPROXIMATE LOCATION OF EAGLE'S NEST 1200' SOUTH OF SUBJECT PARCEL'S SOUTHWEST CORNER

- 321/411 SAW PALMETTO - SLASH PINE (<20% CANOPY)
- 321/424 SAW PALMETTO - DOG HAIR MELALEUCA
- 424 MELALEUCA
- 424H\* MELALEUCA WETLANDS
- 500 OTHER SURFACE WATER
- 740 DISTURBED AREAS
- 743 BERM
- 832 FPL EASEMENT

PINE ROAD 60  
EAGLE BUFFER MAP

OB #	9852
SCALE	1"=400'
TITLE	EAGLE BUFFER
DRAWN BY	JDK
DATE	12-11-01



# EASTERN INDIGO SNAKE

## PROTECTION PLAN

The Eastern Indigo Snake is a large, fairly shiny blue-black snake. They are non-venomous. The average adult indigo snake is 6 feet in length.

The Indigo snake is active during daylight hours. It nests in gopher tortoise burrows and in hollow logs. The diet of the snake consists of other snakes, small mammals such as rats and mice, along with frogs, lizards and other amphibians.

The Indigo snake may be confused with the common black racer. It is also black, however this snake is usually slender and fast moving, with a white chin:

The Common Black  
Racer



**Eastern Indigo Snake**  
*Drymarchon corais couperi*

**If an Eastern Indigo snake is observed on site:**

Cease all construction activities and notify the construction supervisor, then contact Boylan Environmental Consultants (941) 418-0671. While leaving the snake unharmed, maintain sight of the snake until a biologist arrives. The snake will then be allowed sufficient time to move away from the construction site on its own before resuming construction activities.

The Eastern Indigo snake is protected by both State and Federal Regulations. It is illegal to harass, harm, pursue, hunt, shoot, wound, kill, molest, trap, capture, collect, transport, or attempt to engage in any such conduct (collectively defined as "taking"). These rules apply to the snake, parts thereof or their nests or eggs.

Under Chapter 39, Florida Administrative Code 39-4.002 the penalties are as follows: Punishable as a second degree misdemeanor, with up to \$500.00 fine and/or 60 days imprisonment for first offenses, additional penalties thereafter.

Under the Endangered Species Act the penalties are as follows: Maximum fine of \$25,000.00 for civil penalties and maximum fine of \$50,000.00 and/or imprisonment for up to




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**Pine Road 60**  
S 20 / T 46S / R 25E

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**Protected Species Survey**

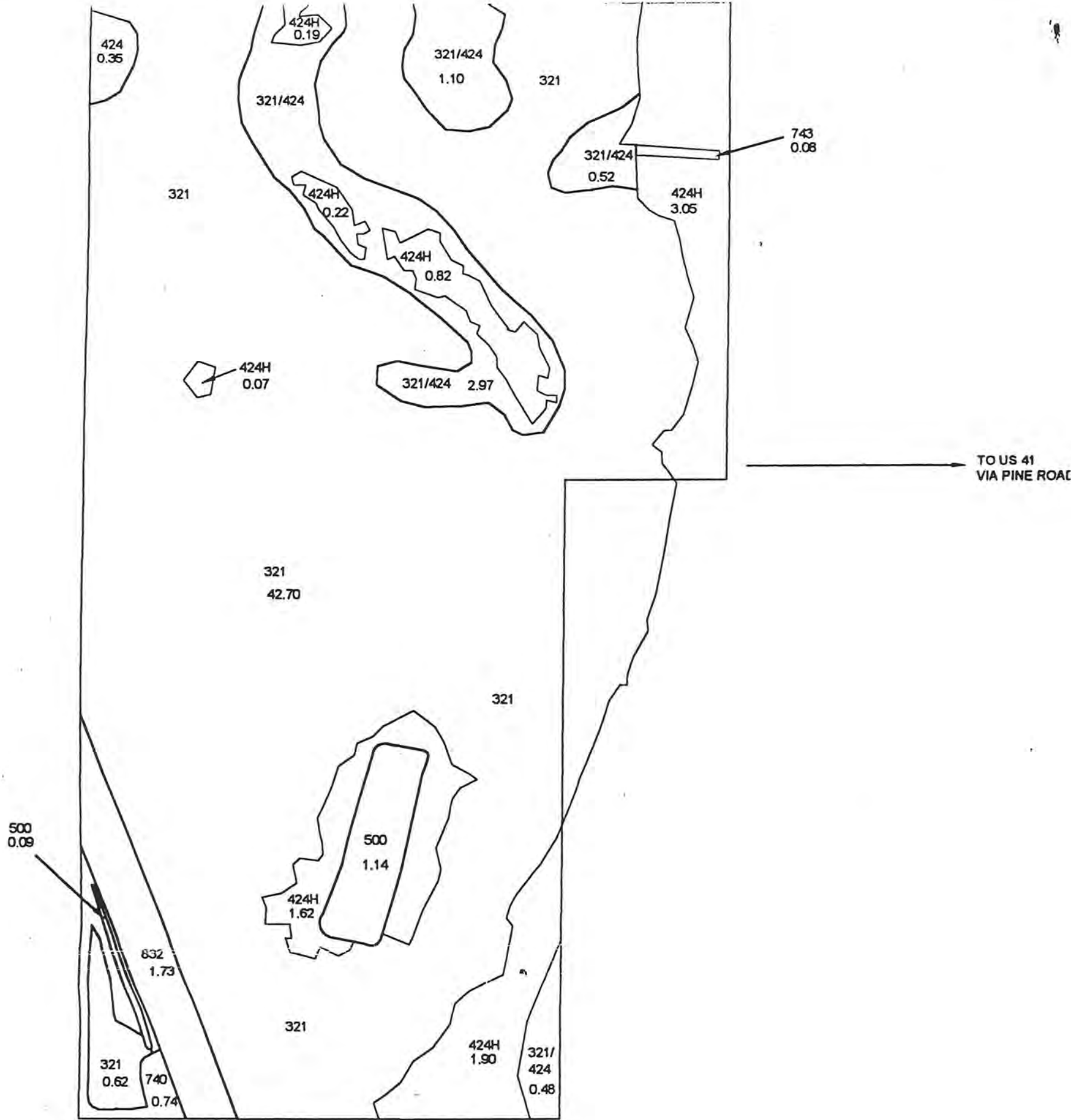
**Boylan**   
**Environmental**  
**Consultants, Inc.**

*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672


December 11, 2001

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		APPROX. ACREAGE
321	SAW PALMETTO	43.32 up
321/424	SAW PALMETTO - DOG HAIR MELALEUCA	5.07 up
424	MELALEUCA	0.35 up
424H*	MELALEUCA WETLANDS	7.80 wet
500	OTHER SURFACE WATER	1.23
740	DISTURBED AREAS	0.74 up
743	BERM	0.08 up
832	FPL EASEMENT	1.73 up
		<hr/> 60.32 ACRES

WETLAND LINES BASED ON GPS:  
 +/- 15' IN ISOLATED MELALEUCA "HOLES"  
 +/- 30' ALONG EASTERN MELALEUCA FLOWWAY  
 DUE TO HEAVY CANOPY

<b>PROJECT NAME</b> JD# _____ _____ Craig Schmittler Date		South Florida Water Management District Wetland Jurisdictional Determination <div>             Boylan              Environmental              Consultants, Inc.  <small>Wetland &amp; Wildlife Surveys, Environmental Permitting, Impact Assessments</small> </div> 		JOB # 9852 SCALE 1"= 200 FILE GPS WETLANDS2 DRAWN BY JDK DATE 2-7-01 COUNTY LEE SEC 30 TWP 46 RNG 25F
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## **SECTION IV. E. COMPREHENSIVE PLAN**

### **POPULATION**

The site being 60 ± acres in area with 52 ± acres as upland will yield, with the proposed future land use designation, a maximum of 120 dwelling units. Because of the relative low number of dwelling units, there will be no negative affect upon the County-wide population projection/accommodation.

### **YEAR 2020 OVERLAY**

The subject property is located within Planning Community 13 (San Carlos/Estero) as depicted on Map 16, Planning Communities, in The Lee Plan, 1998 Codification as amended through 1998. Table 1(b), Planning Community Year 2020 Allocations, of the Lee Plan, provides the acreage allocations for each planning community. These allocations include residential by future land use category, general commercial and industrial and non-regulatory allocations. The Outlying Suburban category has 81 acres allocated for residential while 280 acres are allocated in the Rural category for residential use. Currently, the total number of residential dwelling units allocated for both categories would be 523 dwelling units, based upon gross acreage. The proposed land use change would add 52 ± acres to the Outlying Suburban for an additional 156 residential dwelling units. The total unincorporated County acreage for Planning Area 13 would increase from 5,376 to 5,532 or three percent (3%).

### **LOCAL GOVERNMENTS**

The subject site is located within the jurisdictional limits of Lee County and not within the jurisdictional limits of any local governments. Therefore, the proposal has no effect upon any local government.

### **FUTURE LAND USE ELEMENT**

The subject property is located in Section 20, Township 46 South, Range 25 East and currently has a Future Land Use Map designation of Urban Community, Rural and wetland. The proposed map amendment will change the Rural designation to Outlying Suburban. The wetland and Urban Community will remain unchanged. The Outlying Suburban category is being further limited with respect to density to a maximum of two dwelling units per acre. This is similar to the restrictions currently in place in north Fort Myers and in the Buckingham area. Policy 1.1.6 of the Future Land Use Element and Table 1(a) will be modified as follows:



Policy 1.1.6: of Objective 1.1: Future Urban Areas, Outlying Suburban states in part that "areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre)".

The subject property is adjacent to existing areas that are urban in nature. Surrounding densities to the north, east and south range from 3.0 to 18.0 dwelling units per acre. The recently approved project to the west and south may be developed at a density of 3.0 dwelling units/acre. U.S. 41 (S.R. 45) is located less than 3/4 mile to the east of the subject site. Access to this arterial is provided by Pine Road and recorded access easements. Gulf Environmental Services has utility service available at U.S. 41 and Pine Road and would be available for future extension. Therefore, infrastructure is available. The requested Outlying Suburban category would only be developed at a maximum of 2.0 dwelling units per acres which is at a lower density than the other Future Urban and Suburban areas within the general vicinity to the north, east and south. The requested classification is clearly located at a peripheral location relative to established urban areas.

The existing FLUM designation, Rural, is listed in Objective 1.4 as a non-Urban Area. The definition of Rural as found in Objective 1.4.1 is as follows: "The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas". Those elements characteristic of an urban area are found within the subject property as has been documented within this application. Because of these urban elements such as density, infrastructure, use, urban services and compatibility, it is unreasonable to expect this property to remain in the Rural category when, in fact, the application of the Rural category to this property is not consistent with Policy 1.4.1. The Rural incompatibility and inconsistency is sustained because agricultural and non-residential uses are not compatible or consistent with the surrounding residential communities, and, further, there exist no rural community in the area for this Rural designation to serve.

Objective 2.1: Development Location encourages compact growth pattern via the rezoning process to contain urban sprawl and its effects, and, further, encourages rezoning large tracts of land that have been "by-passed in favor of development more distant from services and existing communities". The subject property is an enclave of low density surrounded by higher densities, by-passed in favor of projects more distant from services and existing communities.

Objective 2.2: Development Timing directs new growth to those areas with public facilities to insure compact and contiguous growth patterns. The subject parcel is less than 3/4 of a mile from an arterial road (.S.41), has sewer and water available from Gulf Environmental Services and has access to U.S. 41 (S.R. 45) via Pine Road and existing recorded easements. Community facilities and services such as schools, EMS, police and fire protection are available.

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

January 29, 2003

Public Service/Review Agencies  
See Distribution List

RE: CPA 2002-02 - Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agencies help in reviewing the above referenced Lee Plan amendment. The applicant is proposing to amend the Future Land Use Map (FLUM) designation on approximately 60 acres of land at the western end of Pine Road. The proposal is to change the designation from Rural to Outlying Suburban with a maximum density of 2 units per acre.

The Rural category standard density range permits up to one dwelling unit per acre (1 du/acre). Given the existing FLUM designation of Rural, Planning Division staff estimate, as a worst case, that 60 dwelling units could be built in the subject area. The Outlying Suburban category standard density range permits up to three dwelling units per acre (3 du/acre). However, the applicant has proposed an amendment to the Lee Plan that would limit the density to two units per acre. Staff estimate, as a worst case, that the proposed Outlying Suburban designation would allow 120 dwelling units to be built in the subject area. The only change in the resubmittal is that the applicant has proposed to extend sewer service to the subject area.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible. If this land use change includes any potential impact to your agencies budget, please include this information in your comments. The submitted materials have been posted online at <http://www.lee-county.com/dcd1/PlanAmendments/PA2002-2003/CPA200202A1.PDF>

Thank you for your attention in this matter. If you have any questions, please do not hesitate to call Matt Noble of my staff at 479-8548.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



PAUL O'CONNOR, AICP  
Director, Division of Planning

*Distribution List:* John Wilson, Lee County Public Safety  
Gerald Campbell, Lee County Public Safety  
Chris Hansen, Lee County Public Safety, EMS  
Maj. Dan Johnson, Lee County Sheriff's Office  
Chief Dennis Merrifield, Estero Fire Department  
Lindsey Sampson, Lee County Solid Waste  
Roland E. Ottolini, Lee County Natural Resources Management  
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*Stephanie Keyes, Lee County School Board*  
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*Mike Carroll, Lee County Development Services*  
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District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

January 7, 2003

Public Service/Review Agencies  
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RE: CPA 2002-02 - Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agencies help in reviewing the above referenced Lee Plan amendment. The applicant is proposing to amend the Future Land Use Map (FLUM) designation on approximately 60 acres of land at the western end of Pine Road. The proposal is to change the designation from Rural to Outlying Suburban with a maximum density of 2 units per acre.

The Rural category standard density range permits up to one dwelling unit per acre (1 du/acre). Given the existing FLUM designation of Rural, Planning Division staff estimate, as a worst case, that 60 dwelling units could be built in the subject area. The Outlying Suburban category standard density range permits up to three dwelling units per acre (3 du/acre). However, the applicant has proposed an amendment to the Lee Plan that would limit the density to two units per acre. Staff estimate, as a worst case, that the proposed Outlying Suburban designation would allow 120 dwelling units to be built in the subject area. The only change in the resubmittal is that the applicant has proposed to extend sewer service to the subject area.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than January 27, 2003. If this land use change includes any potential impact to your agencies budget, please include this information in your comments. The submitted materials have been posted online at <http://www.lee-county.com/dcd1/PlanAmendments/PA2002-2003/CPA200202A1.PDF>

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Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



PAUL O'CONNOR, AICP  
Director, Division of Planning

*Distribution List:* John Wilson, Lee County Public Safety  
Gene Hurst, Lee County Public Safety  
Chris Hansen, Lee County Public Safety, EMS  
Maj. Dan Johnson, Lee County Sheriff's Office  
Chief William Van Helden, City of Cape Coral Fire Department  
Lindsey Sampson, Lee County Solid Waste  
Roland E. Ottolini, Lee County Natural Resources Management  
Rick Diaz, Lee County Utilities  
John Myers, Lee Tran

*Distribution List continued.....*

*John Yarbrough, Lee County Parks & Recreation*  
*Stephanie Keyes, Lee County School Board*  
*Dave Loveland, Lee County Division of Transportation*  
*Mike Carroll, Lee County Development Services*  
*Rick Joyce, Lee County Division of Planning, Environmental Sciences Program*

**From:** Janet Miller  
**To:** DeLisi, Dan  
**Subject:** RE: CPA2002-02

What you listed is exactly what I was referring to. Thanks. I just have difficulty picking up your voice on the tape. I'll remind you at the next meeting to clip your microphone on. Thanks!

>>> Dan DeLisi <DanD@barraco.net> 04/02/03 02:20PM >>>

I remember the item, however, I am not sure what part of the tape you are listening to. My basic argument was that the approval of the request would not necessarily guarantee the applicant 120 units, but a range of 60-120 units, however, if they were granted anything above 60, (ie. 61 units), then they would need to submit as a planned development and extend sanitary sewer to their development. If you would like I can pick up the tape and listen to the exact section.

Dan

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

From: Janet Miller [mailto:MILLERJM@leegov.com]  
Sent: Tuesday, April 01, 2003 3:48 PM  
To: DanD@barraco.net  
Subject: CPA2002-02

**\*\* High Priority \*\***

I have to jog your memory. At the last LPA meeting when the above item was discussed, you gave some reasons why you were opposed to denying the applicant's request. I cannot hear what you are saying on the tape.

Can you give me a brief blurb because I feel it should be noted in the minutes.

This was the item presented by Neale Montgomery, Wayne Arnold, Grady Minor, and Andy DeSalvo.

Janet Miller  
Administrative Assistant  
Internal Services  
[millerjm@leegov.com](mailto:millerjm@leegov.com)  
(941) 479-8583  
(941) 479-8319 - FAX



## NEWS-PRESS

Published every morning – Daily and Sunday  
Fort Myers, Florida

### Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kieanna Henry**

who on oath says that he/she is the

**Asst. Legal Clerk** of the News-Press, a daily newspaper,  
published at Fort Myers, in Lee County, Florida; that the  
attached copy of advertisement, being a

**Display**

In the matter of **LPA Public Hearing**

in the \_\_\_\_\_ Court

was published in said newspaper in the issues of

**March 14, 2003**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Kieanna Henry*

Sworn to and subscribed before me this

**14<sup>th</sup>** day of **March 2003** by

**Kieanna Henry**

personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public *Brenda Leighton*

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
MY COMMISSION # DD169005 EXPIRES  
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## MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, March 24, 2003. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

### AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from February 24, 2003
5. Small Scale Plan Amendment Review:
  - A. CPA2003-01 - Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8 Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."
6. 2002/2003 Regular Round Plan Amendment Review
  - A. CPA2002-02 - Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property.
  - B. CPA2002-04 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a new Goal, Vision Statement and subsequent Objectives and Policies.
  - C. CPA2002-11 - Amend Goal 17, Buckingham, of the Future Land Use Element by adding language that allows water lines to be extended to serve the Buckingham Rural Community Preserve on a voluntary basis, with costs of extension to be paid by the petitioner. Amend Map 6, Future Water Service Areas, to show all of the Buckingham Rural Community Preserve to be within the Future Water Service Areas of the County. Amend Map 7, Future Sewer Service Areas, to add certain public facility sites to the Future Sanitary Sewer Service Areas that have existing sewer service from Lee County Utilities or have an interlocal agreement with the City of Fort Myers for sewer service.
7. Update on Lee County's Evaluation and Appraisal Report process.
8. Communication Tower Master Plan and Ordinance  
AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 34 (ZONING); AMENDING THE DEFINITION OF "COMMUNICATION TOWER" (§34-2); FUNCTIONS AND AUTHORITY (BOARD OF COUNTY COMMISSIONERS) (§34-83); REHEARING OF DECISIONS (§34-84); FUNCTIONS AND AUTHORITY (HEARING EXAMINER) (§34-145); FINAL DECISION; JUDICIAL REVIEW (§34-146); ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-203); AMENDING USE ACTIVITY GROUPS - ESSENTIAL SERVICE FACILITIES (§34-622); AMENDING USE REGULATIONS TABLE FOR AGRICULTURAL DISTRICTS (§34-653); FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS (§34-694); FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS (§34-714); FOR MOBILE HOME DISTRICTS (§34-735); FOR RECREATIONAL VEHICLE DISTRICTS (§34-791); FOR COMMUNITY FACILITIES DISTRICTS (§34-813); FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); FOR MARINE-ORIENTED DISTRICTS (§34-873); FOR INDUSTRIAL DISTRICTS (§34-903); FOR PLANNED DEVELOPMENT DISTRICTS (§34-934); AMENDING PRIVATE RECREATIONAL FACILITIES PLANNED DEVELOPMENTS (§34-941); AMENDING MODIFIED LAND DEVELOPMENT REGULATIONS, MASTER SITE PLAN - THE NORTH TAMiami REDEVELOPMENT OVERLAY DISTRICT (§34-1124) REPEALING AND REPLACING SATELLITE DISHES AND AMATEUR RADIO ANTENNA/TOWERS (§34-1175) AND CREATING A NEW SECTION ENTITLED SATELLITE EARTH STATIONS AND AMATEUR RADIO ANTENNAS, THAT PROVIDES FOR PURPOSE, APPLICABILITY, DEFINITIONS AND PROPERTY DEVELOPMENT REGULATIONS (§34-1175); REPEALING AND REPLACING ARTICLE VII, DIVISION 11, COMMUNICATION TOWERS IN ITS ENTIRETY (§§34-1441 - 34-1446); CREATING ARTICLE VII, DIVISION 11, ENTITLED WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR PURPOSE AND INTENT (§34-1441); DEFINITIONS (§34-1442); APPLICABILITY AND EXEMPTIONS (§34-1443); PERMISSIBLE WIRELESS COMMUNICATION FACILITY LOCATIONS (§34-1444); REVIEW AND APPROVAL PROCESS (§34-1445); APPLICATION SUBMITTAL REQUIREMENTS (§34-1446); CREATING DEVELOPMENT REGULATIONS PERTAINING TO ANTENNA-SUPPORTING STRUCTURES, COLLOCATIONS, ROOF-MOUNTED ANTENNA-SUPPORTING STRUCTURES, SURFACE-MOUNTED ANTENNAS AND STEALTH WIRELESS COMMUNICATION FACILITIES (§34-1447); PROVIDING FOR EXPERT REVIEW (§34-1448); MONITORING AND EVALUATION (§34-1449); FEES AND INSURANCE (§34-1450); DISCONTINUED USE (§34-1451); NONCONFORMING ANTENNA-SUPPORTING STRUCTURES (§34-1452); AND VARIANCE CRITERIA (§34-1453); RENUMBERING RESERVED PROVISIONS §§34-1447 - 34-1470 TO §§34-1454 - 34-1470 (§§34-1447 - 34-1470); AMENDING EXCEPTIONS TO HEIGHT LIMITATIONS FOR CERTAIN STRUCTURAL ELEMENTS (§34-2173); AMENDING ARTICLE VIII NONCONFORMITIES (APPLICABILITY); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.
9. Other Business
10. Adjournment

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

PO# 900565



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► Local &amp; State - November 14, 2002

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State says \$2 million too much for 60 acres near Estero Bay

**By PAIGE ST. JOHN, The News-Press Tallahassee Bureau**

Tallahassee — Gov. Jeb Bush and the Florida Cabinet said no to paying \$2 million for 60 acres of environmentally sensitive land near Estero Bay.

"It seems to me the state would be smarter to take its resources and buy many good projects at better prices," said Secretary of State Jim Smith.

Smith said the state also wants to acquire an additional 9,170 acres in the Estero Bay project and paying nearly \$35,000 an acre for the 60-acre plot would set an expensive precedent.

The land, adjacent to the Mullock Creek Slough that feeds into the bay, is part of the larger Estero Bay area the state is trying to protect through its land-buying program.

Though most of the parcel at the end of Pine Road is flatlands and palmetto prairie, some 7 acres are wetlands with a freshwater cypress slough the state is trying to restore. It is adjacent to undeveloped land the state already has purchased.

Broker Andrew P. DeSalvo, acting on behalf of a silent trust, bought the property four years ago from an estate.

The Estero Bay 60 Trust paid \$510,300 in 1998 and the land is assessed at \$747,000.

DeSalvo's trust agreed to sell to the state for \$2,050,000, slightly less than state appraisers valued the land. He told Cabinet members he believes he could do better — up to \$2.4 million — on the open market.

The Bonita Springs land broker said the price is justified by the likelihood that, sooner or later, Lee County will agree to his request to rezone the land to accommodate 120 homes.

Bush was the first to balk, contending Lee County, itself, is ramping up the price of the project by contemplating rezoning.

"Counties make decisions, then come to us hat in hand and ask us to pay," Bush said.

Lee County officials in January rejected DeSalvo's request to double the density of housing allowed on the Estero land, amid concern that so many septic tanks would pose an environmental hazard.

But commissioners said they might approve the project if DeSalvo installed sewer lines and clustered the housing to leave open space on the property.

Florida Comptroller Bob Milligan asked DeSalvo if he would consider essentially the same thing, clustering development and selling just the wetlands near the slough for state protection.

DeSalvo promised only that he would entertain an offer — while going back to the county commission for the land-use change. He told Bush that Lee County Commissioner Ray Judah had encouraged him to consider selling to the state preservation program.

Judah said Wednesday he wants to bring the sale proposal back to the Cabinet next month, possibly with an offer of chipping in with local money. He plans to attend the meeting.

The Cabinet and governor agreed.

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Judah didn't like Milligan's idea of making do with just a portion of the land.

"It's important to preserve this property, as a buffer to Estero Bay," Judah said. "I'd rather retain the entire tract."

The Florida Forever program hopes to buy some 15,000 acres in Estero Bay. It has slightly more than 40 percent of the land already and is negotiating with other landowners in the area.

At the same Cabinet meeting, the state agreed to buy almost 50 acres at the Pineland Site Complex operated by the Florida Museum of Natural History. The property includes a Calusa archaeological site. The state will pay \$625,000 to the University of Florida Foundation for the property.

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# Estero 60 parcel may be added to Estero Bay Aquatic Preserve buffer area



Wednesday, October 30, 2002

By **CHARLIE WHITEHEAD**,  
[ckwhitehead@naplesnews.com](mailto:ckwhitehead@naplesnews.com)

First the state wouldn't buy the 60-acre Estero tract Andy DeSalvo's land trust owned, then Lee County wouldn't increase its density. Now, years later, the state may buy the land after all.

The property known as Estero 60 is located at the western end of Pine Avenue, nestled against the Estero Scrub Preserve. That land itself was once destined for development before the state stepped in and paid \$32 million for the 1,300-acre parcel.

In that case, the state could have had the land for half the cost but refused to buy it. Lee County commissioners approved a land use change that doubled the allowable building density, and then the state bought it at double the original price.

If Gov. Jeb Bush and the Cabinet agree on Nov. 13, the state will add the Estero 60 piece, expanding the Estero Bay Buffer area that protects the state's first aquatic preserve and provides habitat for the birds, tortoises and occasional deer that call the area home.

The trust tried to get the state to buy the land before it sought to increase development density, but the state passed. Now there's a sales agreement.

"I have signed an agreement with the state," said DeSalvo. "I signed an agreement to sell below the appraised value."

State law requires two appraisals before a purchase. DeSalvo said the trust beneficiaries agreed to the sale price as long as the deal could be done quickly. He said Commissioner Ray Judah and Heather Stafford, who manages the Estero Bay Aquatic Preserve, both approached him and asked him to consider the sale.

"The beneficiaries said if (the sale) was timely and the price range was acceptable — and I've been told we settled at less than the state appraisals," DeSalvo said.

#### AT A GLANCE

The Department of Environmental Protection is meeting today to finalize a recommendation to the Cabinet aides, who will themselves hear the proposal on Nov. 6. The governor and Cabinet will hear the proposal Nov. 13.

County commissioners formally came out in support of the deal Tuesday.

"They agreed to take less than the appraisals," Judah told his fellow commissioners. "It's important as a buffer, and there are a lot of competing projects."


The land is not atop the state's priority list, but it is one of the last remaining undeveloped parcels around the bay. Much of what was once on the acquisition list now sprouts homes and golf courses. Virtually all of the bayfront between Estero and Bonita Springs was once on the acquisition list, including communities such as Pelican Landing.


"My understanding is that Heather (Stafford) is extremely satisfied, and I know by today's resolution




that the county is satisfied," DeSalvo said. "My beneficiaries are satisfied, so I guess that's all we can ask for."

The last step would be the approval by the governor and Cabinet. The Department of Environmental Protection is meeting today to finalize a recommendation to the Cabinet aides, who will themselves hear the proposal on Nov. 6. The governor and Cabinet will hear the proposal Nov. 13.

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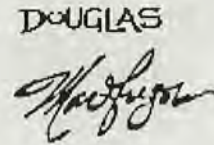
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## Editorial: Land buy opportunity too good to pass up

Gov. Jeb Bush and the Cabinet can make a small but valuable addition to preserve lands around Estero Bay on Nov. 13 if they agree to buy the property known as Estero 60.

A land trust represented by Andy DeSalvo has agreed to sell the 60 acres, which abut the state's Estero Scrub Preserve. The price was not available Wednesday, but DeSalvo said he understood it was less than state appraisals.



[Click here for comics...](#)

## WHAT DO YOU THINK?

Send us your thoughts whether you agree or disagree, and we may print it in the Mailbag. Send it to:

[mailbag@news-press.com](mailto:mailbag@news-press.com).

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That's nice, especially since the taxpayers paid a whopping \$32 million for the 1,300-acre Estero Scrub after county commissioners doubled the allowed density of a proposed development there.

This time, commissioners had declined to double density on DeSalvo's property. In the meantime, the state finally began to show interest in acquiring it.

The state has dithered way too often over the years on land that could have buffered Estero Bay from development, losing the land or running up its price.

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## LOCAL

nato

See DRUGS, Page 3B

Naples Daily News 4/25/01

File: Estero Comm

# Lee planners delay Estero community plan review until June 25

By CHAD GILLIS

cegillis@naplesnews.com

Lee County's review of Estero's community plan has been delayed yet again as county planners and community representatives continue to hash out their differences.

The date for review by the county's Local Planning Agency has likely been pushed back to June 25. Just last week, Estero residents were told the review would take place in late May, with county commissioners holding a public meeting regarding the plan in June.

The latest delay means commissioners won't see the plan until at least July. The plan then must go to the state's Department of Community Affairs for review before coming back to commissioners for final adoption this fall. *Not True. M.V.* If the plan isn't adopted by commissioners by September, the entire process gets pushed back another year.

Community plans are growth blueprints tailored to specific cities or communities. They are used as guidelines for future zoning cases and development as well as for specifying what types of development should be allowed and where.

Estero residents held a series of public planning workshops last year and delivered a draft plan to the county in September.

Lee County planners on Tuesday sent a seven-page memo to private planner Mitch Hutchcraft, with the majority of the letter focusing on questions the county's planners say are still unanswered. Hutchcraft was hired by the Estero Chamber of Commerce last year to help draft the community plan for the area.

The 41 comments from county planners ranged from suggested minor language changes to philosophical differences between the county and the community regarding commercial development along Corkscrew Road.

Lee County has long considered Corkscrew Road as a residential and office roadway outside the intersections of U.S.

## Estero

Continued from 1D

41, Interstate 75 and Three Oaks Parkway.

"We may in the end have some philosophical differences, a lot of it having to do with commercial uses along Corkscrew Road," said county planner Matt Noble.

Noble said the county was also concerned that the plan puts too much responsibility on the county for services that aren't typically offered in other communities and cities.

"There's a concern that a lot of it puts the burden back on the county and makes demands of the county," Noble said.

Noble said he and other county planners should be able to meet with Hutchcraft soon to address the comments, hopefully well before the expected LPA meeting.

Hutchcraft said he agrees with many of the comments made by County Planning Director Paul O'Connor and staff. He said his firm is in the process of making changes to the plan.

He said the area of the plan that needs the most work is the future development plans for Corkscrew Road.

"Nobody wants to see that road developed as fast food restaurants and gas stations," Hutchcraft said. "But I think everybody is comfortable with some kind of integration of residential, retail and office."

Hutchcraft said he plans to hold a public meeting in Estero soon regarding the county planning comments.

He said he doesn't expect the county memo or the postponed LPA meeting to delay final approval of the plan sometime this fall.

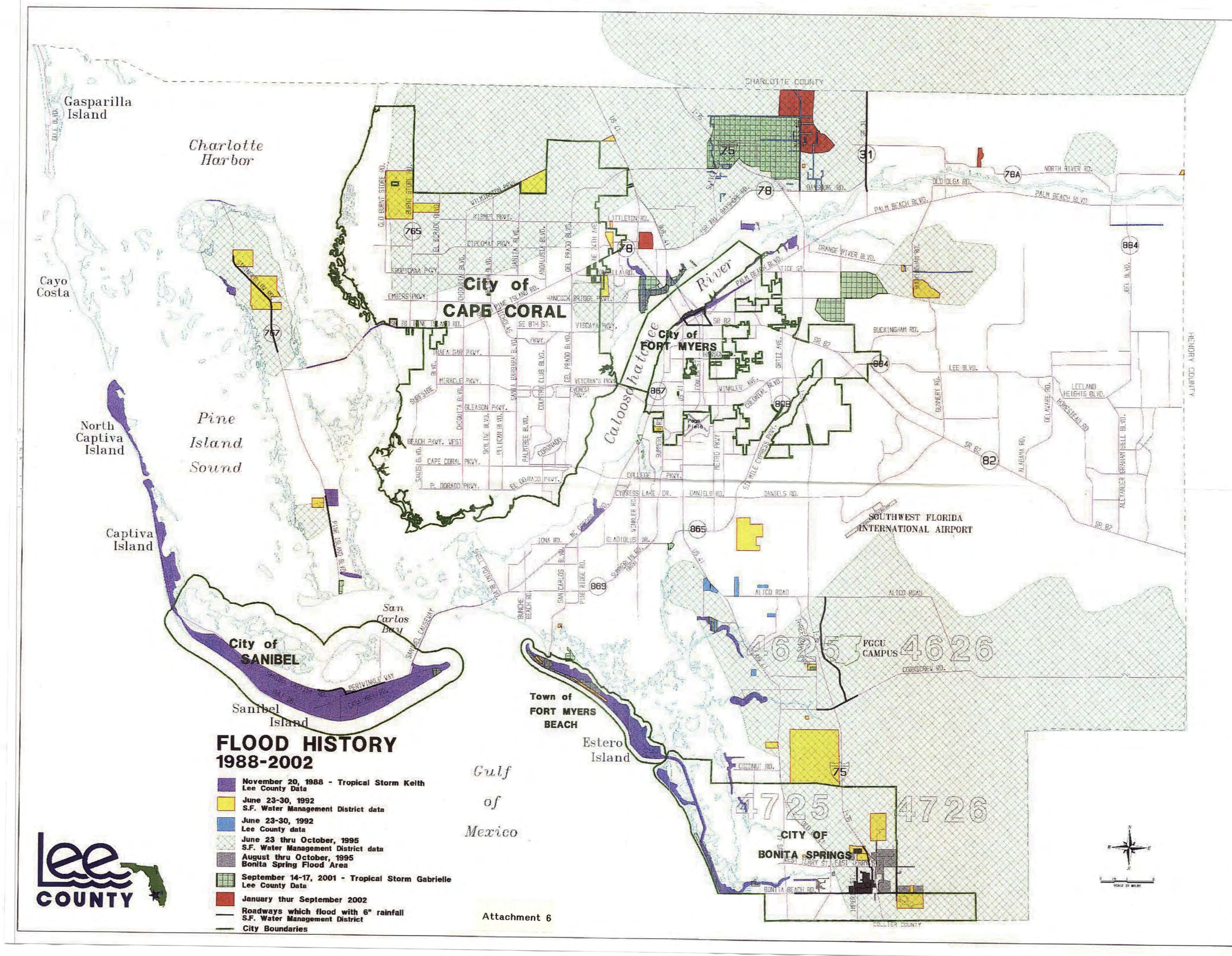
"I think a lot (of the community's concerns) have been adopted into the Land Development Code," Hutchcraft said of the community's request for sooner notification for proposed developments. "Eighty-eight percent of the core concepts will still get through this fall."

Land Development Code amendments dealing with landscaping, buffering and other secondary concerns will have to wait until 2002.

In related events, county commissioners on Tuesday approved a full-time position for a planner to help with the community planning process. Commissioners also voted to continue offering seed money to communities wanting to develop a specific growth plan.

See ESTERO, Page 3D







# 2020 gets go-ahead on land appraisals

*Lee commissioners opt for 28 acres in Estero to be appraised twice*

By **CHARLIE WHITEHEAD**  
ckwhitehead@bonitanews.com

Lee County commissioners gave the go-ahead Monday for the Conservation 2020 program to appraise 28 acres at the western end of Pine Road in Estero. Twice.

Commissioners opted for two appraisals of the land offered by Estero Commons, LLC to the environmental lands purchase program. One will value the land purely for conservation purposes and the other will appraise it with a hypothetical 30 development units.

**■ THE PRICE DIFFERENCE** between the appraisals likely will be \$3 million or more.

The price difference likely will be \$3 million or more. The dueling appraisals are born of the property's convoluted history. Different owners over the last several years have floated different development and/or preservation proposals for the land nestled between the end of little Pine Road and the Estero Bay Buffer Preserve. A potential state purchase was killed in 2002 by Gov. Jeb Bush himself, who said the \$2 million asking price for the 60 acres was too high.

The owners were able to have the land use designation changed in 2003, getting a shot at building as many as 120 homes there. The land was rezoned in 2005 to allow 64 homes, but only under the condition they be built on the driest 32 acres, leaving the remainder — the 28

See **2020**, Page 4A

## 2020

*Continued from 1A*

acres now offered for sale — for conservation.

As commissioners were approving the plan change, however, they granted owner Michele Pessin 30 development units on the 28 acres. County land use attorney Tim Jones said those units were never meant to be developed but were "a gift" to make the price higher if Pessin could sell to the state.

"It was 30 units to increase the value so the state would pay more," Jones said. "It didn't work."

Jones also noted that before development orders to build the 64 homes are granted, the land must be placed in a conservation easement. Pessin sold the 32 acres to Morrison Homes for \$6.8 million shortly after it was rezoned, and the development order is pending.

Commissioners said simply reading the plan change and the rezoning resolution tells them the 30 units — or at least their value — were part of the deal.

"We stated that the 30 units would be attached to the conservation lands to have value for purchase," Commissioner Ray Judah said.

"Let's talk about what's on the books," Commissioner Tammy Hall said. "Look just at the written word. It sounds pretty clear to me. We didn't say, 'By the way, we're just kidding.' We gave them 30 units."

Jones said the county cannot create 30 units for the 28 acres

because they are wetlands and county law allows only one home for every 20 acres of wetlands.

Robert Clemens, a land acquisition manager for the county, said the county could simply have two different appraisals done.

"The value difference is huge on it," he said.

The decision of whether to offer Pessin the higher price or a compromise will be up to commissioners.

"I think this is a very unique situation where we got ahead of ourselves," Hall said.



12/8/06 > Copy. PmtH.  
cc Mary Gibbs  
FYI  
JPL  
Kim T.  
PmtH.  
Ms # N.

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

**DATE:** December 8, 2006

**To:** Robert Clemens  
County Lands

**FROM:**   
Timothy Jones  
Chief Assistant County Attorney

**RE: 20/20 Parcel; Estero 28  
LU-06-06-2485.A.1.**

You have requested our opinion as to the development potential, if any, of the subject property. The subject property was part of a Residential Planned Development zoning called "Hideaway Cove." The Hideaway Cove project was approved by the Board of County Commissioners in Resolution No. Z-05-041 on November 21, 2005. A copy of this resolution is attached for your information.

Condition 1 of the resolution requires development of the project to be consistent with the Master Concept Plan referenced by and attached to the resolution. This Master Concept Plan clearly depicts the subject 28 acres as "preserve." Condition 4 of the resolution also places certain restrictions on the subject 28 acres. In short, this condition requires that a Conservation Easement covering the subject 28 acres must be dedicated and recorded prior to the development of any portion of the project. Pursuant to the Conservation Easement, use of the 28 acres will be restricted to passive recreation and conservation activities.

Therefore, unless and until this zoning resolution is amended, or the property is otherwise rezoned, there is no development capability on the subject 28 acres. The property cannot be used for any purpose except as restricted in Condition 4 of the resolution, which limits use to passive recreation and conservation activities.

Please let me know if you need any further information or assistance in this matter.

TJ/tmv

Attachment

cc: Donna Marie Collins, Assistant County Attorney  
Melody Bowers, Assistant County Attorney  
Dawn Lehnert, Assistant County Attorney  
Rob Spickerman, Assistant County Attorney  
Karen Forsyth, Director, County Lands  
Linda Riley, Conservation Lands, County Lands

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, the property owner, Estero Preserve, LLC., filed an application to rezone a 60± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hideaway Cove RPD; and

WHEREAS, a public hearing was advertised and held on May 5, 2005 and June 14, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00064; and

WHEREAS, a second public hearing was advertised and held on November 7, 2005 and continued to November 21, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 60± acre parcel from AG-2 to RPD, to allow a residential development of 90 single family units, clustered on 32 acres; and 30 Transfer of Development Rights (TDR) units (from the 28 acres), in accordance with Ordinance 03-20, pertaining to Estero 60, CPA 2002-02. Maximum building height is 35 feet/two stories. Blasting is not a proposed activity. The property is located in the Outlying Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the five-page Master Concept Plan entitled "Hideaway Cove RPD," stamped received on February 9, 2006, last revised December 8, 2005, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this

**COPY**



planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Of the 120 dwelling units authorized by Policy 1.1.6 of the Lee Plan, a maximum of 64 dwelling units may be developed on the 32 acres designated for development on the Master Concept Plan. The development rights for the remaining 30 dwelling units may only be utilized in accordance with Policy 1.1.6 of the Lee Plan.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)  
Clubs: Private (LDC §34-2111)  
Dwelling Unit: Single-family detached  
Entrance Gates and Gatehouse (LDC §34-1741 *et seq.*)  
Essential Services (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)  
Essential Service Facilities (LDC §34-622(c)(13): Group I; and LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)  
Excavation: Water Retention (LDC §34-1651)  
Fences, Walls (LDC §34-1741)  
Models: Model Home (LDC §34-1951 *et seq.*)  
Real Estate Sales Office, (LDC §§ 34-1951 *et seq.*, and 34-3021)  
Residential Accessory Uses (LDC §34-622(c)(42)) (LDC §34-1171 *et seq.*)  
Signs, in accordance with LDC Chapter 30

b. Site Development Regulations

Development of the RPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 10,000 square feet  
Width: 100 feet  
Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (§34-2191 *et seq.*)  
Side: 10 feet  
Rear: 20 feet  
Water Body: 20 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 45 percent

Maximum Building Height: 35 Feet

All residential units still must comply with all local building code requirements at the time of permitting.

3. All accessory uses must be located on the same tract, parcel, outparcel, or lot where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.
4. Prior to local development order approval:
  - a. The development order plans must delineate the 28 acres of preserve in substantial compliance with the Master Concept Plan. The plans must also delineate a physical barrier between the preserve and any abutting lots with preserve signs placed at every other lot corner. The physical barrier may include, but is not limited to, a continuous double staggered hedge of native shrubs, a 3-foot-high berm, or a 4-foot-high fence to prevent encroachment of clearing or other such activities into the preserve; and
  - b. The development order plans must delineate a 20-foot-wide buffer between the proposed road and the adjacent Estero Scrub Preserve. The 20-foot-wide buffer must include at a minimum a 3-foot-high berm with a double staggered native hedge planted with a minimum 24-inch height, 3-gallon container size, shrubs to provide a physical barrier between the Estero Scrub Preserve and the proposed roadway to deter wildlife from entering the roadway; and
  - c. The proposed roadways must utilize valley gutters to prevent the trapping of wildlife within the roadways; and
  - d. At the time of the development order, a recorded Conservation Easement dedicated to Lee County and any other appropriate agency or land trust for the 28-acre preserve must be submitted. Passive recreation such as trails, picnic tables, benches, observation platforms, boardwalks, educational signage, and conservation activities, such as re-sloping of the existing borrow pit shoreline to provide a littoral shelf, hand-removal of invasive exotic vegetation, restoring existing trails/roadways to an appropriate native habitat, and management activities to maintain healthy ecosystems are allowed within the Conservation Easement upon review and approval from the Division of Environmental Sciences' Staff.
5. Prior to any site work, an appropriate gopher tortoise permit from the Florida Fish and Wildlife Conservation Commission and any associated receipts must be submitted to the Division of Environmental Sciences' (ES) Staff. Excavation of gopher tortoise burrows within the areas of impact must be coordinated with ES Staff, and all gopher

tortoises and commensal species found must be moved to areas of appropriate habitat in the 28-acre preserve area.

6. Central sewer service is required for any development on this subject property.
7. The developer will be responsible for all improvements providing vehicular access to Pine Road.
8. No blasting activities are permitted as part of this planned development.
9. A walking path must be provided around the excavation for water retention.
10. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
11. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-710 requirement to provide 40 feet of width for a private local road with closed drainage, to allow a width of 35 feet. This deviation is APPROVED, SUBJECT TO the condition that each street is provided with one sidewalk and the sidewalk design must remain contiguous throughout the project.
2. Deviation (2) was withdrawn at public hearing.
3. Deviation (3) seeks relief from the LDC §34-2221(4)(c) requirement to provide lots located on cul-de-sacs to have street frontages less than the minimum required width provided the side lot lines are radial to the center point of the cul-de-sac with a minimum angle of 45 degrees, to allow non-radial side lot lines with no minimum angle. This deviation is APPROVED, SUBJECT TO the condition that it applies only to those specific lots as designed and designated on the approved Master Concept Plan. Otherwise, all lots within this development must comply with this Section of the LDC.
4. Deviation (4) seeks relief from the LDC §34-2 definition of lot width, to allow the use of flag lots as defined in LDC Chapter 10, where the minimum lot width along a public or private roadway may be reduced to a minimum of 15 feet. This deviation is APPROVED, SUBJECT TO the condition that it applies only to those specific lots shown on the approved Master Concept Plan. Otherwise, all lots within this development must comply with this Section of the LDC.



#### SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP number for the subject property is: 20-46-25-01-00009.1020.

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

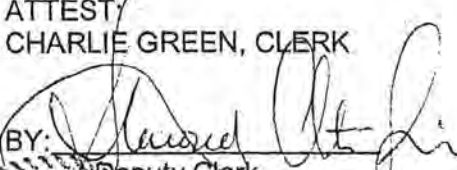
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes and, upon being put to a vote, the result was as follows:

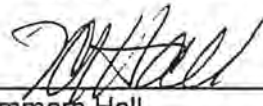
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21<sup>st</sup> day of November 2005.


ATTEST  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Tammara Hall  
Chairwoman

Approved as to form by:

  
Dawn E. Perry-Lehnert  
County Attorney's Office

RECEIVED  
MINUTES OFFICE  
2006 FEB 28 PM 1:27

CASE NO: DCI2004-00064

2006 FEB 28

REC  
MINUTE

Z-05-041  
Page 6 of 6

# **PROPERTY DESCRIPTION**

A PARCEL OF LAND LOCATED IN SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 6, 7, 8, 9, 10 AND 11, OF THAT CERTAIN SUBDIVISION KNOWN AS SAN CARLOS GROVE TRACT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 4, PAGE 75, CONTAINING 60.324 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 9 SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN NORTH 00°27'05" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 1,324.87 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, FOR A DISTANCE OF 993.66 FEET TO THE NORTH WEST CORNER OF LOT 6 OF THE AFOREMENTIONED SAN CARLOS GROVE TRACT; THENCE RUN SOUTH 89°53'59" EAST, ALONG THE NORTH LINE OF SAID LOT 6, FOR A DISTANCE OF 1,322.71 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE RUN SOUTH 00°29'49" WEST FOR A DISTANCE OF 994.41 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89°52'03" WEST, ALONG THE SOUTH LINE OF SAID LOT 8, FOR A DISTANCE OF 330.48 FEET; THENCE RUN SOUTH 00°29'08" WEST FOR A DISTANCE OF 1,325.62 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89°49'28" WEST FOR A DISTANCE OF 990.63 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, CONTAINING 60.324 ACRES, MORE OR LESS.

**Applicant's Legal Checked**  
by Lgm 3/16/2005.

## **NOTES**

1. BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY LINE OF SHADY ACRES, REPLAT OF SAN CARLOS GROVE TRACT, W 1/2 OF LOT 4 PLAT BOOK 33, PAGE 98, AS BEING S 89°54'20" E.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND OR RESTRICTIONS OF RECORD.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
4. THIS SKETCH IS NOT COMPLETE UNLESS ACCOMPANIED BY SHEETS 2 AND 3.

Q. GRADY MINOR AND ASSOCIATES

SIGNED

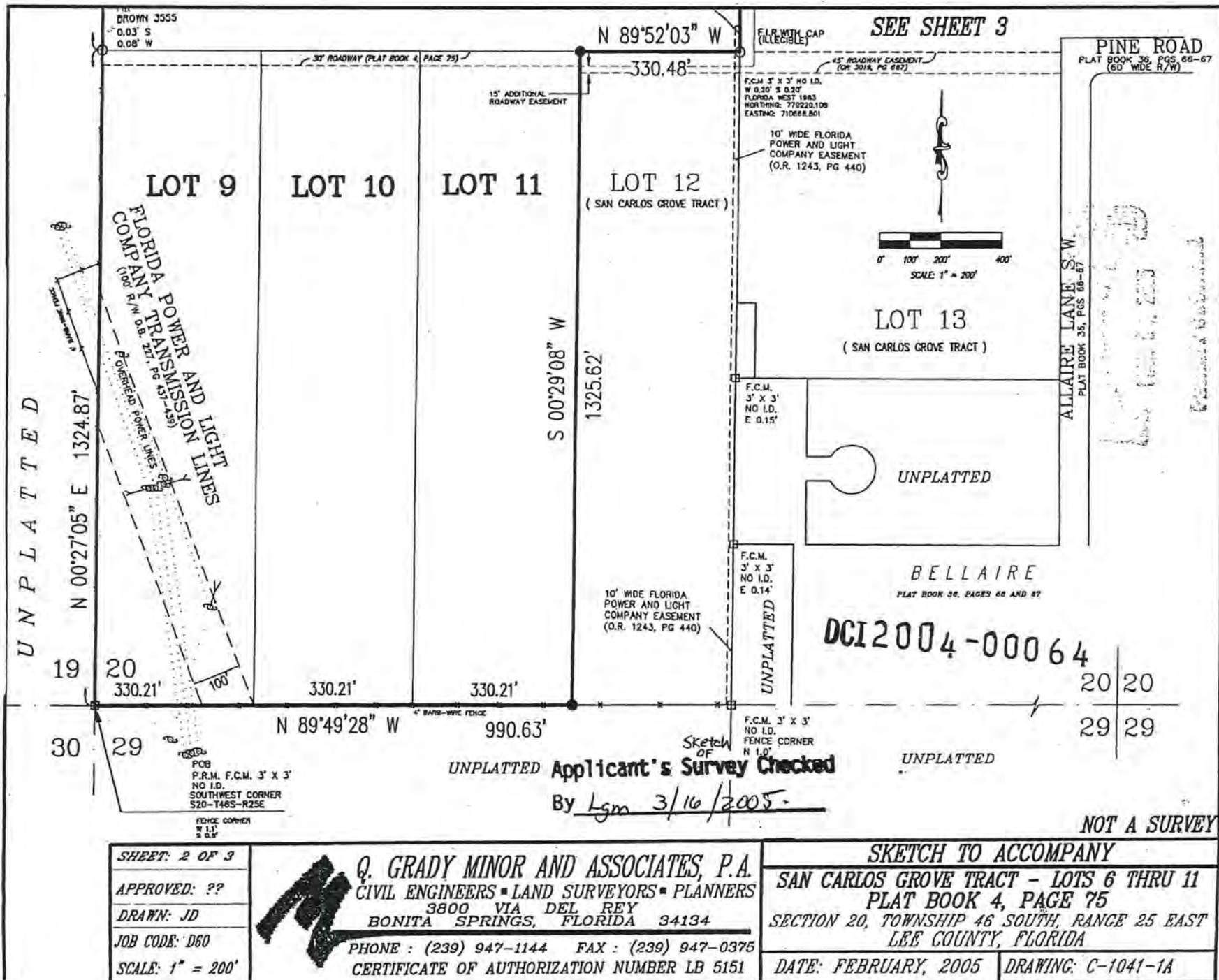
STEPHEN V. BURGESS

DCI2004-00064

**NOT A SURVEY**

<p>SHEET: 1 OF 3</p> <p>APPROVED: ??</p> <p>DRAWN: JC</p> <p>JOB CODE: D60</p> <p>SCALE: N/A</p>	<p><b>Q. GRADY MINOR AND ASSOCIATES, P.A.</b> CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS 3800 VIA DEL REY BONITA SPRINGS, FLORIDA 34134 PHONE : (239) 947-1144 FAX : (239) 947-0375 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151</p>	<p><b>LEGAL DESCRIPTION</b> SAN CARLOS GROVE TRACT - LOTS 6 THRU 11 PLAT BOOK 4, PAGE 75 SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA DATE: FEBRUARY, 2005 DRAWING: C-1041-1A</p>
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U N P L A T T E D

P.R.M. F.C.M. 3' X 3' NO I.D.  
FLORIDA WEST 1983  
NORTHING: 772209.318  
EASTING: 709315.348

P.R.M.  
F.C.M.  
3' X 3'  
NO I.D.

WEST 1/4 CORNER OF  
S20-T46S-R25E  
FENCE CORNER  
W 1.0'

FENCE  
W 1.0'

993.66'

N 00°27'05" E

331.22'

331.22'

331.22'

N 00°21'31" E

662.21'(M)  
660.00'(P)

S 89°54'20" E

1322.97'(C) 1325.70'(P)

LOT 5  
( SAN CARLOS GROVE TRACT )

S 89°53'59" E

1322.71'

LOT 6

LOT 7

V A C A N T

WOODED - PINES AND PALMETTOS  
AREA = 60.324 ACRES ±

LOT 8

10' WIDE FLORIDA  
POWER AND LIGHT  
COMPANY EASEMENT  
(O.R. 1243, PG 440)

S 89°54'20" E

1322.97'(C)

30' ROADWAY

N 00°29'49" E

994.41'

331.47'

331.47'

F.C.M. 3' X 3'  
NO I.D.  
NORTHEAST CORNER  
OF THE SOUTHWEST  
1/4 OF  
S20-T46S-R25E

20 | 20  
20 | 20

LOTS 14 THRU 17  
( SAN CARLOS GROVE TRACT )



DCI2004-00064

SKETCH  
Applicant's Survey Checked  
By Lgm 3/16/2005

NOT A SURVEY

SEE SHEET 2

SHEET: 3 OF 3  
APPROVED: SB  
DRAWN: JD  
JOB CODE: D60  
SCALE: 1" = 200'



Q. GRADY MINOR AND ASSOCIATES, P.A.  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
3800 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134  
PHONE : (239) 947-1144 FAX : (239) 947-0375  
CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

SKETCH TO ACCOMPANY

SAN CARLOS GROVE TRACT - LOTS 6 THRU 11  
PLAT BOOK 4, PAGE 75  
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
DATE: FEBRUARY, 2005 DRAWING: C-1041-1A

# ZONING MAP

3/23/2005

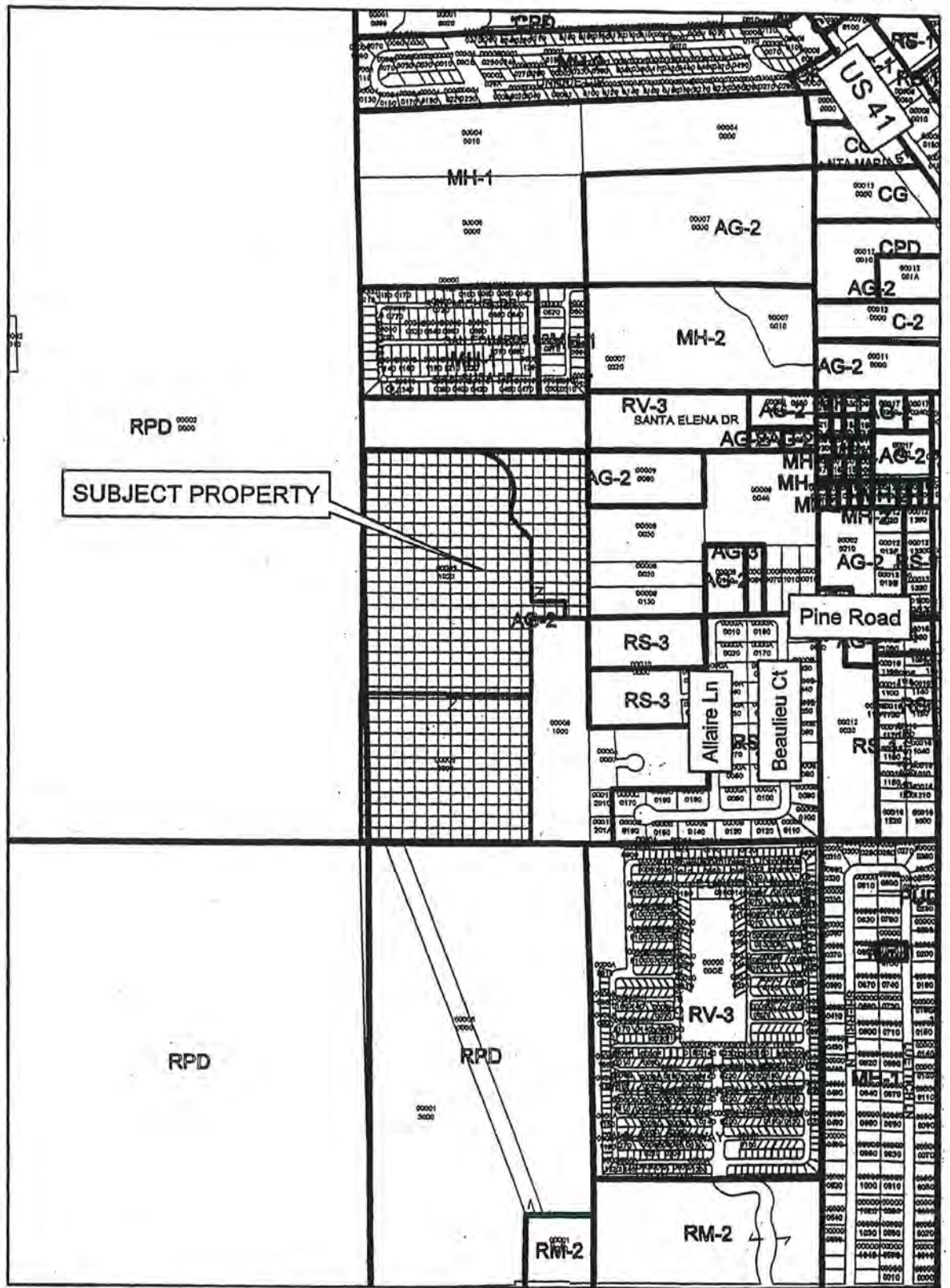


EXHIBIT B

800 400 0 800 Feet



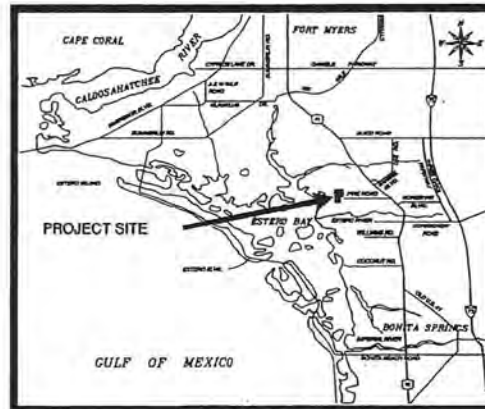
# HIDEAWAY COVE RPD

LOCATED IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE  
25 EAST, ESTERO, LEE COUNTY, FLORIDA

**RECEIVED**  
FEB 03 2006

## OWNER/DEVELOPER

ESTERO PRESERVE LLC  
8985 STAR TULIP COURT  
NAPLES, FLORIDA 34113



LOCATION MAP

## INDEX OF EXHIBITS

### DWG. No. DESCRIPTION

- 1 COVER SHEET AND INDEX OF EXHIBITS
- 2 GENERAL NOTES
- 3 MASTER CONCEPT PLAN
- 4 SOILS AND TOPOGRAPHIC MAP
- 5 AERIAL MAP

Approved as Exhibit  
MCP Page 1 of 5  
Resolution # 2-05-04

## REVISIONS

Revision	Date	Description	By
1	11/2/04	PER LEE COUNTY COMMENTS	SAJ
2	1/17/05	PER LEE COUNTY COMMENTS	SAJ
3	1/19/05	PER LEE COUNTY COMMENTS	SAJ
4	12/9/05	PER LEE COUNTY COMMENTS	SAJ

## PREPARED BY:

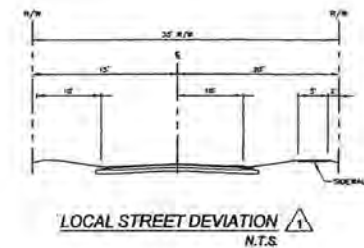
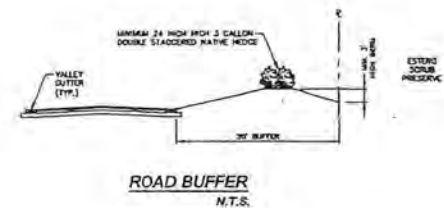
**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS

3800 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134

PHONE : (841) 847-1144 FAX : (841) 847-0275  
QUALIFICATION CERTIFICATE OF AUTHORIZATION IS AVAILABLE

DCI 2004-C0064

DATE: AUGUST, 2004  
FILE NAME: E6ORPD COVER  
JOB CODE: E6ORPD  
DRAWING NUMBER 1 OF 5



#### PLANNING SUMMARY

PLAN DESIGNATION: OUTLYING SUBURBAN  
 EXISTING ZONING DESIGNATION: AG-2, AGRICULTURE  
 EXISTING LAND USE: VACANT  
 PROPOSED DESIGNATION: RPD, RESIDENTIAL PLANNED DEVELOPMENT  
 GROSS AREA: 80 ± ACRES  
 STRAP NUMBER: 20-46-25-01-00009.1020 and 20-46-25-01-00009-0000  
 STREET ADDRESS: ADDRESS UNASSIGNED, 4800 PINE ROAD

#### PUBLIC TRANSIT

THE PROPOSED PROJECT IS GREATER THAN A QUARTER MILE FROM ROUTE 150 AND DOES NOT PLAN TO PROVIDE TRANSIT FACILITIES. A BUS STOP MAY BE CONSIDERED AT SUCH TIME THAT A LEE TRAN BUS ROUTE IS WITHIN A QUARTER MILE OF THE PROJECT ENTRANCE.

Approved by City of Naples  
 MCP Resolution # 2-05-041

**RECEIVED**  
 FEB 9 2006

DCI 2004-00064

#### LEGEND

△ DEVIATION

#### DEVELOPER

ESTERO PRESERVE, LLC  
 8885 STAR TULIP COURT  
 NAPLES, FLORIDA 34113

DATE	FOR LEE COUNTY COMMENTS	BY
4/13/05	FOR LEE COUNTY COMMENTS	BU
5/17/05	FOR LEE COUNTY COMMENTS	BU
11/15/04	FOR LEE COUNTY COMMENTS	BT

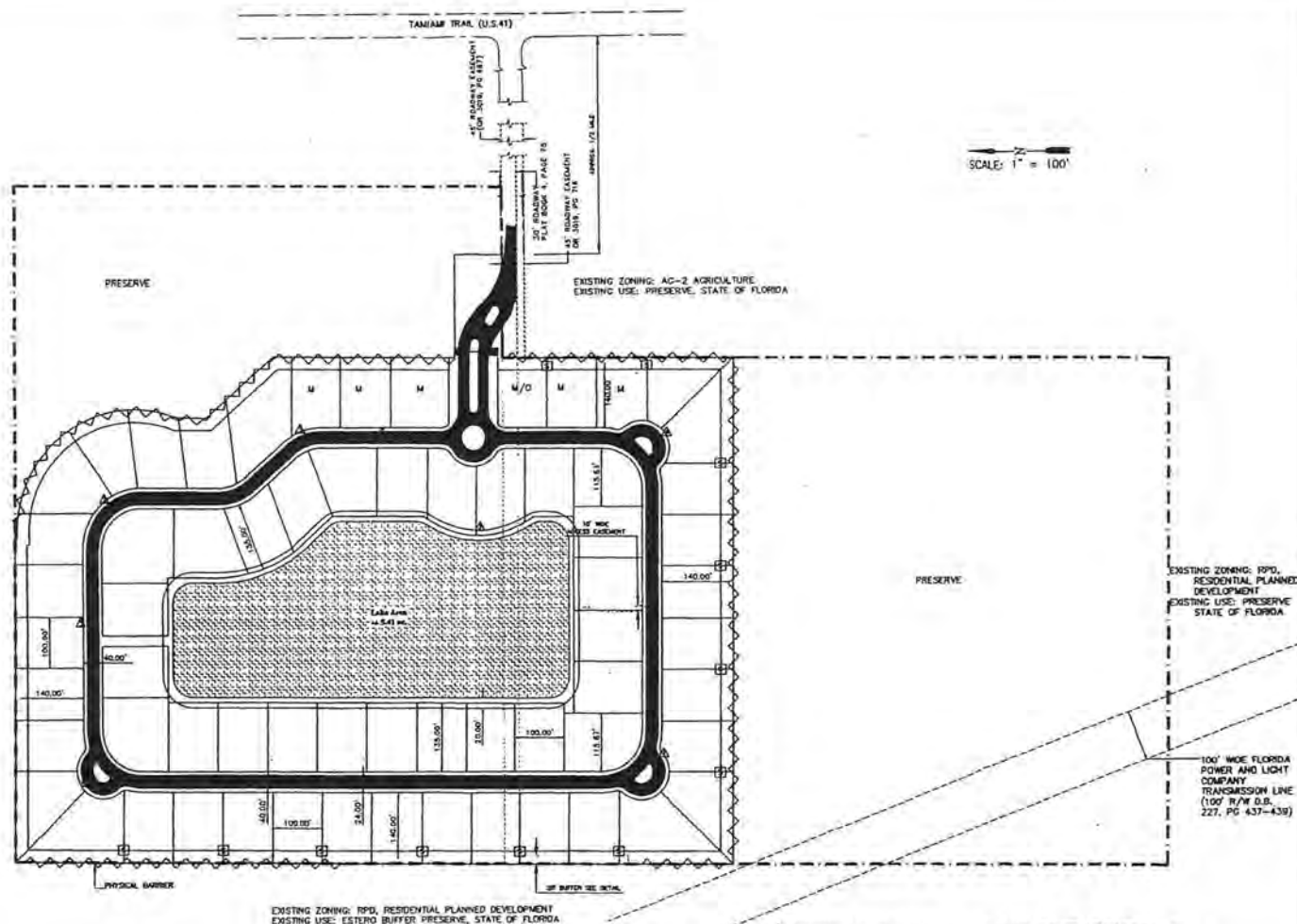
DESIGNED BY: A.J.R.  
 DRAFTER BY: A.J.R.  
 APPROVED BY: B.T.  
 JOB CODE: EG0000  
 SCALE: N.T.S.

**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
 5800 VIA DEL SOL  
 BONITA SPRING, FLORIDA 34134  
 PHONE: (239) 947-1144 FAX: (239) 947-0278  
 PROFESSIONAL CERTIFICATE OF AUTHORIZATION NO. 000000

#### HIDEAWAY COVE RPD

EXHIBIT 6-J  
 GENERAL NOTES

DATE: 11/15/04 FILE NAME: HIDEAWAY COVE DRAWING NUMBER: 2 OF 5



Approved as Exhibit  
MCP Page 3 of 5  
Resolution #2004-041

**RECEIVED**  
FEB 09 2006

DCI 2004-0064

#### LEGEND

--- PROJECT BOUNDARY  
M MODEL HOME  
O OFFICE  
--- PHYSICAL BARRIER

▣ PRESERVE SIGNS  
▲ DEVIATION

#### OWNER/DEVELOPER

ESTERO PRESERVE, LLC  
8985 STAR TULIP COURT  
NAPLES, FLORIDA 34113

Revision	Date	Description	By
3	4/19/05	PER LEE COUNTY COMMENTS	BT
2	1/20/05	ADD NATURE TRAIL	BT
1	11/16/04	PER LEE COUNTY COMMENTS	BT

DESIGNED BY: B.T.  
DRAWN BY: A.J.R.  
APPROVED BY: B.T.  
JOB CODE: ESORPD  
SCALE: N.T.S.

**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
2000 VIA DEL REY  
BOWTIE SPRINGS, FLORIDA 34134  
PHONE: (239) 847-1144 FAX: (239) 847-0375  
FLORIDA CERTIFICATE OF REGISTRATION NO. 10000

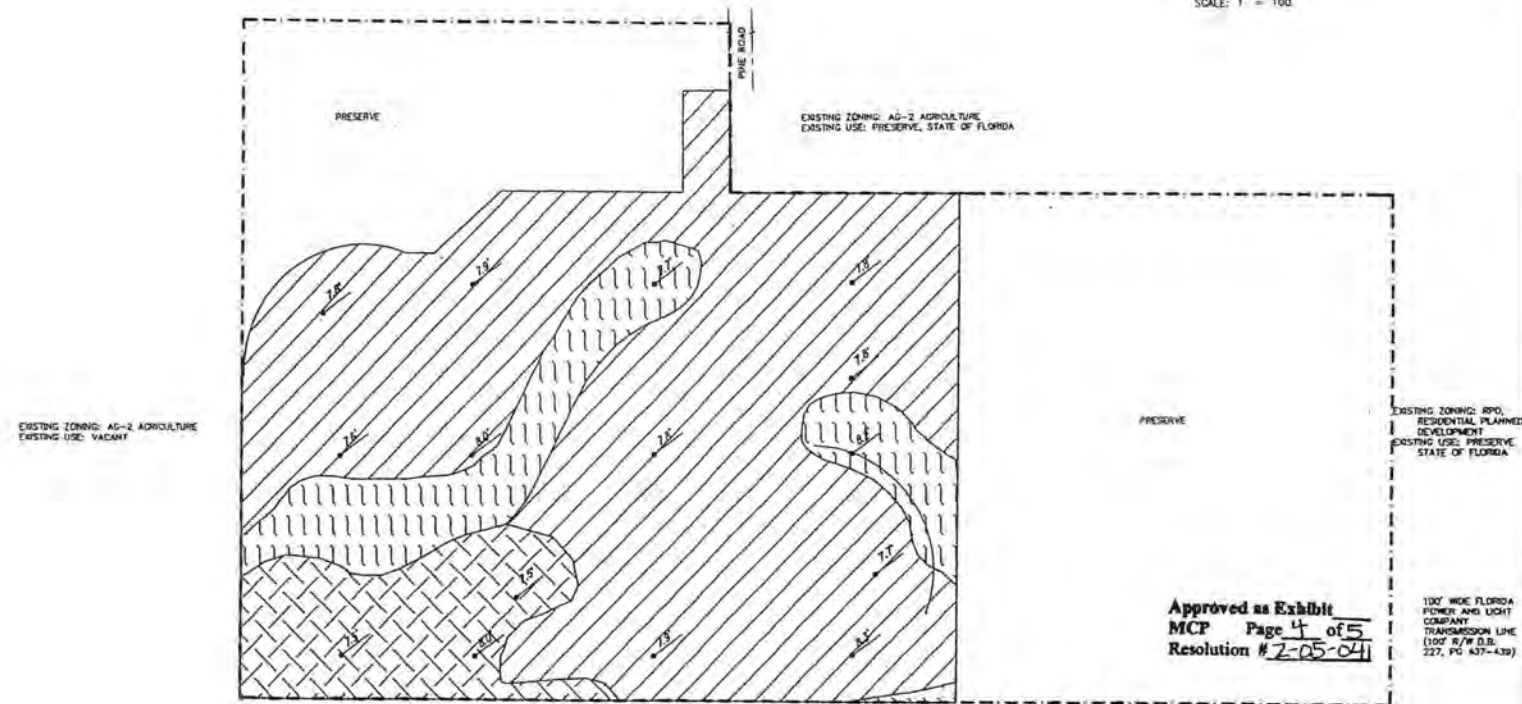
HIDEAWAY COVE RPD

MASTER CONCEPT PLAN

DATE: PROJECT 3004 FILE NAME: DRAWING NUMBER 3 OF 5



SCALE: 1" = 100'



Approved as Exhibit  
MCP Page 4 of 5  
Resolution # 2-05-04

100' WIDE FLORIDA  
POWER AND LIGHT  
COMPANY  
TRANSMISSION LINE  
(100' R/W D.S.  
227, PG. 637-439)

EXISTING ZONING: RPD, RESIDENTIAL PLANNED DEVELOPMENT  
EXISTING USE: ESTERO BUFFER PRESERVE, STATE OF FLORIDA

- LEGEND**
- 17 - BOTTOMLAND
  - 28 - BACKWATER LAKE
  - 31 - MIAMI FINE SAND DEPOSITION
  - 32 - ALEXIS VEE
- SOILS DETERMINATION FROM SOIL SURVEY  
OF US COUNTY, FLORIDA, USGS  
CONSERVATION SERVICE, UNITED STATES  
DEPARTMENT OF AGRICULTURE  
ESTERO PARK, 1970 (10 YEAR FLOOD  
BOUNDARY)

**RECEIVED**  
FEB 09 2006

DCI 2004-C0064

HIDEAWAY COVE RPD

SOILS AND TOPOGRAPHIC MAP

DATE: AUGUST, 2004 FILE NAME: H200 M2 (m) DRAWING NUMBER: 4 of 5

**LEGEND**

PROJECT BOUNDARY

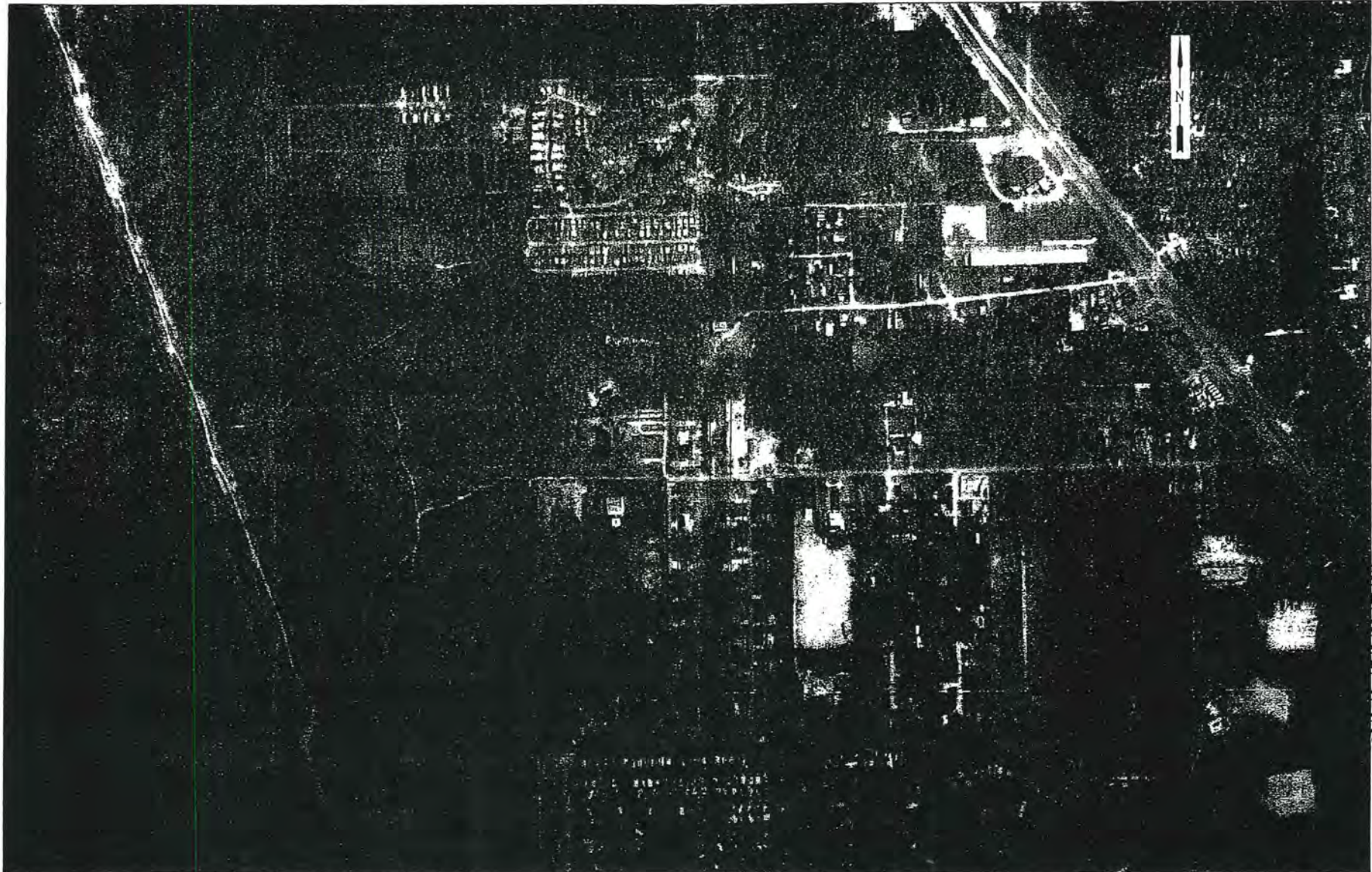
**OWNER/DEVELOPER**

ESTERO PRESERVE, LLC  
8985 STAR TULIP COURT  
NAPLES, FLORIDA 34113

REV	DATE	DESCRIPTION	BY
1	11/18/04	PER LEE COUNTY ORDINANCE	BT

DESIGNED BY: B.T.  
DRAWN BY: A.J.R.  
APPROVED: B.T.  
RPS CODE: E00000  
SCALE: 1" = 100'

**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
2000 W. 10th St.  
SUITE 2000, FLORIDA 34104  
PHONE: (239) 847-1144 FAX: (239) 847-0075  
E-MAIL: QGRADY@QGRADY.COM



Approved as Exhibit  
MCP Page 5 of 5  
Resolution # 2-05-04

RECEIVED  
FEB 09 2006

DCI 2004-00064

**LEGEND**

--- PROJECT BOUNDARY

AERIAL PHOTOGRAPH DATE: MARCH 2002

**OWNER/DEVELOPER**

ESTERO PRESERVE, LLC  
8965 STAR TULIP COURT  
NAPLES, FLORIDA 34113

1	11/16/04	PER LEE COUNTY COMMENTS	BT		

**DESIGNED BY: A.F.H.**

DRAWN BY: A.J.R.

APPROVED: D.W.A.

JOB CODE: E60RPD

SCALE: 1" = 200'



**Q. GRADY MINOR AND ASSOCIATES, P.A.**

CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS

3600 VIA DEL REY

BONITA SPRINGS, FLORIDA 34134

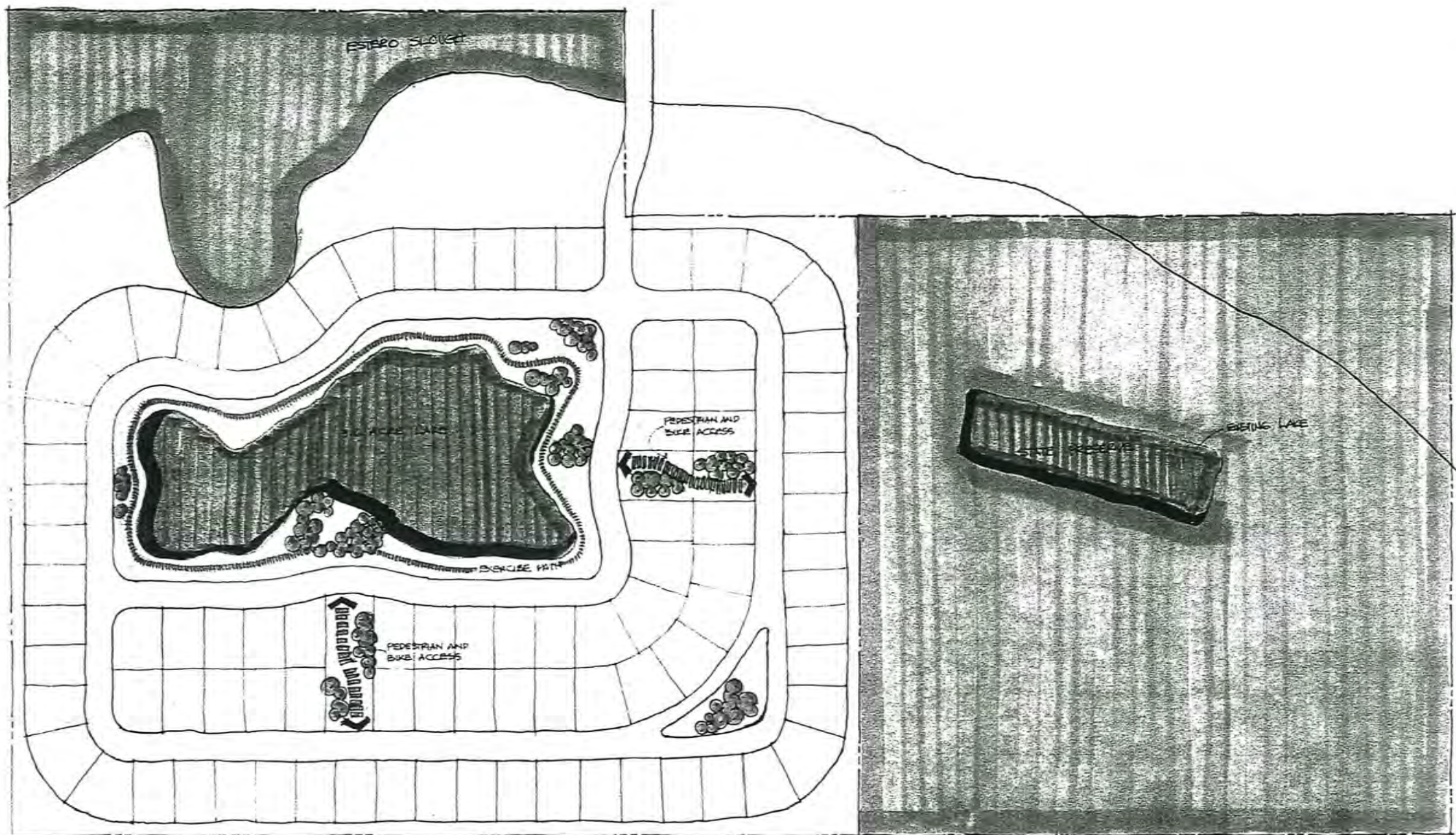
PHONE: (841) 847-1144 FAX: (841) 847-0275  
ENGINEERING CERTIFICATE OF AUTHORIZATION #000001  
SURVEYING CERTIFICATE OF AUTHORIZATION #000001

**HIDEAWAY COVE RPD**

ESTERO  
SECTION 20, TOWNSHIP 46 S. RANGE 25 E

DATE: AUGUST, 2004 FILE NAME: RPD4ER DRAWING NUMBER 5 OF 5





WARNER ARCHITECTS, INC  
761 TWELFTH AVENUE S. NAPLES, FL

ESTERO COMMONS

PRELIMINARY SITE PLAN 8-6-03  
90 SINGLE FAMILY DETACHED UNITS.



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, the property owner, Estero Preserve, LLC., filed an application to rezone a 60± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hideaway Cove RPD; and

WHEREAS, a public hearing was advertised and held on May 5, 2005 and June 14, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00064; and

WHEREAS, a second public hearing was advertised and held on November 7, 2005 and continued to November 21, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 60± acre parcel from AG-2 to RPD, to allow a residential development of 90 single family units, clustered on 32 acres; and 30 Transfer of Development Rights (TDR) units (from the 28 acres), in accordance with Ordinance 03-20, pertaining to Estero 60, CPA 2002-02. Maximum building height is 35 feet/two stories. Blasting is not a proposed activity. The property is located in the Outlying Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the five-page Master Concept Plan entitled "Hideaway Cove RPD," stamped received on February 9, 2006, last revised December 8, 2005, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this

**COPY**

planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Of the 120 dwelling units authorized by Policy 1.1.6 of the Lee Plan, a maximum of 64 dwelling units may be developed on the 32 acres designated for development on the Master Concept Plan. The development rights for the remaining 30 dwelling units may only be utilized in accordance with Policy 1.1.6 of the Lee Plan.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)

Clubs: Private (LDC §34-2111)

Dwelling Unit: Single-family detached

Entrance Gates and Gatehouse (LDC §34-1741 *et seq.*)

Essential Services (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)

Essential Service Facilities (LDC §34-622(c)(13): Group I; and LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

Excavation: Water Retention (LDC §34-1651)

Fences, Walls (LDC §34-1741)

Models: Model Home (LDC §34-1951 *et seq.*)

Real Estate Sales Office, (LDC §§ 34-1951 *et seq.*, and 34-3021)

Residential Accessory Uses (LDC §34-622(c)(42)) (LDC §34-1171 *et seq.*)

Signs, in accordance with LDC Chapter 30

b. Site Development Regulations

Development of the RPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 10,000 square feet

Width: 100 feet

Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (§34-2191 *et seq.*)

Side: 10 feet

Rear: 20 feet

Water Body: 20 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 45 percent

Maximum Building Height: 35 Feet

All residential units still must comply with all local building code requirements at the time of permitting.

3. All accessory uses must be located on the same tract, parcel, outparcel, or lot where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.
4. Prior to local development order approval:
  - a. The development order plans must delineate the 28 acres of preserve in substantial compliance with the Master Concept Plan. The plans must also delineate a physical barrier between the preserve and any abutting lots with preserve signs placed at every other lot corner. The physical barrier may include, but is not limited to, a continuous double staggered hedge of native shrubs, a 3-foot-high berm, or a 4-foot-high fence to prevent encroachment of clearing or other such activities into the preserve; and
  - b. The development order plans must delineate a 20-foot-wide buffer between the proposed road and the adjacent Estero Scrub Preserve. The 20-foot-wide buffer must include at a minimum a 3-foot-high berm with a double staggered native hedge planted with a minimum 24-inch height, 3-gallon container size, shrubs to provide a physical barrier between the Estero Scrub Preserve and the proposed roadway to deter wildlife from entering the roadway; and
  - c. The proposed roadways must utilize valley gutters to prevent the trapping of wildlife within the roadways; and
  - d. At the time of the development order, a recorded Conservation Easement dedicated to Lee County and any other appropriate agency or land trust for the 28-acre preserve must be submitted. Passive recreation such as trails, picnic tables, benches, observation platforms, boardwalks, educational signage, and conservation activities, such as re-sloping of the existing borrow pit shoreline to provide a littoral shelf, hand-removal of invasive exotic vegetation, restoring existing trails/roadways to an appropriate native habitat, and management activities to maintain healthy ecosystems are allowed within the Conservation Easement upon review and approval from the Division of Environmental Sciences' Staff.
5. Prior to any site work, an appropriate gopher tortoise permit from the Florida Fish and Wildlife Conservation Commission and any associated receipts must be submitted to the Division of Environmental Sciences' (ES) Staff. Excavation of gopher tortoise burrows within the areas of impact must be coordinated with ES Staff, and all gopher



tortoises and commensal species found must be moved to areas of appropriate habitat in the 28-acre preserve area.

6. Central sewer service is required for any development on this subject property.
7. The developer will be responsible for all improvements providing vehicular access to Pine Road.
8. No blasting activities are permitted as part of this planned development.
9. A walking path must be provided around the excavation for water retention.
10. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
11. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-710 requirement to provide 40 feet of width for a private local road with closed drainage, to allow a width of 35 feet. This deviation is APPROVED, SUBJECT TO the condition that each street is provided with one sidewalk and the sidewalk design must remain contiguous throughout the project.
2. Deviation (2) was withdrawn at public hearing.
3. Deviation (3) seeks relief from the LDC §34-2221(4)(c) requirement to provide lots located on cul-de-sacs to have street frontages less than the minimum required width provided the side lot lines are radial to the center point of the cul-de-sac with a minimum angle of 45 degrees, to allow non-radial side lot lines with no minimum angle. This deviation is APPROVED, SUBJECT TO the condition that it applies only to those specific lots as designed and designated on the approved Master Concept Plan. Otherwise, all lots within this development must comply with this Section of the LDC.
4. Deviation (4) seeks relief from the LDC §34-2 definition of lot width, to allow the use of flag lots as defined in LDC Chapter 10, where the minimum lot width along a public or private roadway may be reduced to a minimum of 15 feet. This deviation is APPROVED, SUBJECT TO the condition that it applies only to those specific lots shown on the approved Master Concept Plan. Otherwise, all lots within this development must comply with this Section of the LDC.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP number for the subject property is: 20-46-25-01-00009.1020.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

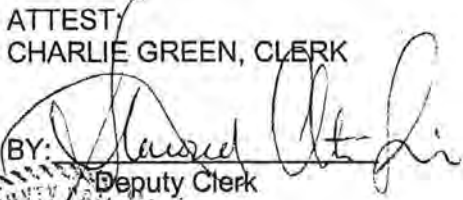
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes and, upon being put to a vote, the result was as follows:

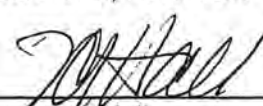
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21<sup>st</sup> day of November 2005.


ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Tammara Hall  
Chairwoman

Approved as to form by:

  
Dawn E. Perry-Lehnert  
County Attorney's Office

RECEIVED  
MINUTES OFFICE  
2006 FEB 28 PM 1:27

CASE NO: DCI2004-00064

2006 FEB 28

REC  
MINUTE

Z-05-041  
Page 6 of 6



**PROPERTY DESCRIPTION**

A PARCEL OF LAND LOCATED IN SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 6, 7, 8, 9, 10 AND 11, OF THAT CERTAIN SUBDIVISION KNOWN AS SAN CARLOS GROVE TRACT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 4, PAGE 75, CONTAINING 60.324 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 9 SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN NORTH 00°27'05" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 1,324.87 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, FOR A DISTANCE OF 993.66 FEET TO THE NORTH WEST CORNER OF LOT 6 OF THE AFOREMENTIONED SAN CARLOS GROVE TRACT; THENCE RUN SOUTH 89°53'59" EAST, ALONG THE NORTH LINE OF SAID LOT 6, FOR A DISTANCE OF 1,322.71 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE RUN SOUTH 00°29'49" WEST FOR A DISTANCE OF 994.41 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89°52'03" WEST, ALONG THE SOUTH LINE OF SAID LOT 8, FOR A DISTANCE OF 330.48 FEET; THENCE RUN SOUTH 00°29'08" WEST FOR A DISTANCE OF 1,325.62 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89°49'28" WEST FOR A DISTANCE OF 990.63 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, CONTAINING 60.324 ACRES, MORE OR LESS.

**NOTES**

1. BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY LINE OF SHADY ACRES, REPLAT OF SAN CARLOS GROVE TRACT, W 1/2 OF LOT 4 PLAT BOOK 33, PAGE 98, AS BEING S 89°54'20" E.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND OR RESTRICTIONS OF RECORD.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
4. THIS SKETCH IS NOT COMPLETE UNLESS ACCOMPANIED BY SHEETS 2 AND 3.

Q. GRADY MINOR AND ASSOCIATES

SIGNED

3-2-05

STEPHEN V. BURGESS



**Applicant's Legal Checked**

by Lgm 3/16/2005.

DCI2004-00064

**NOT A SURVEY**

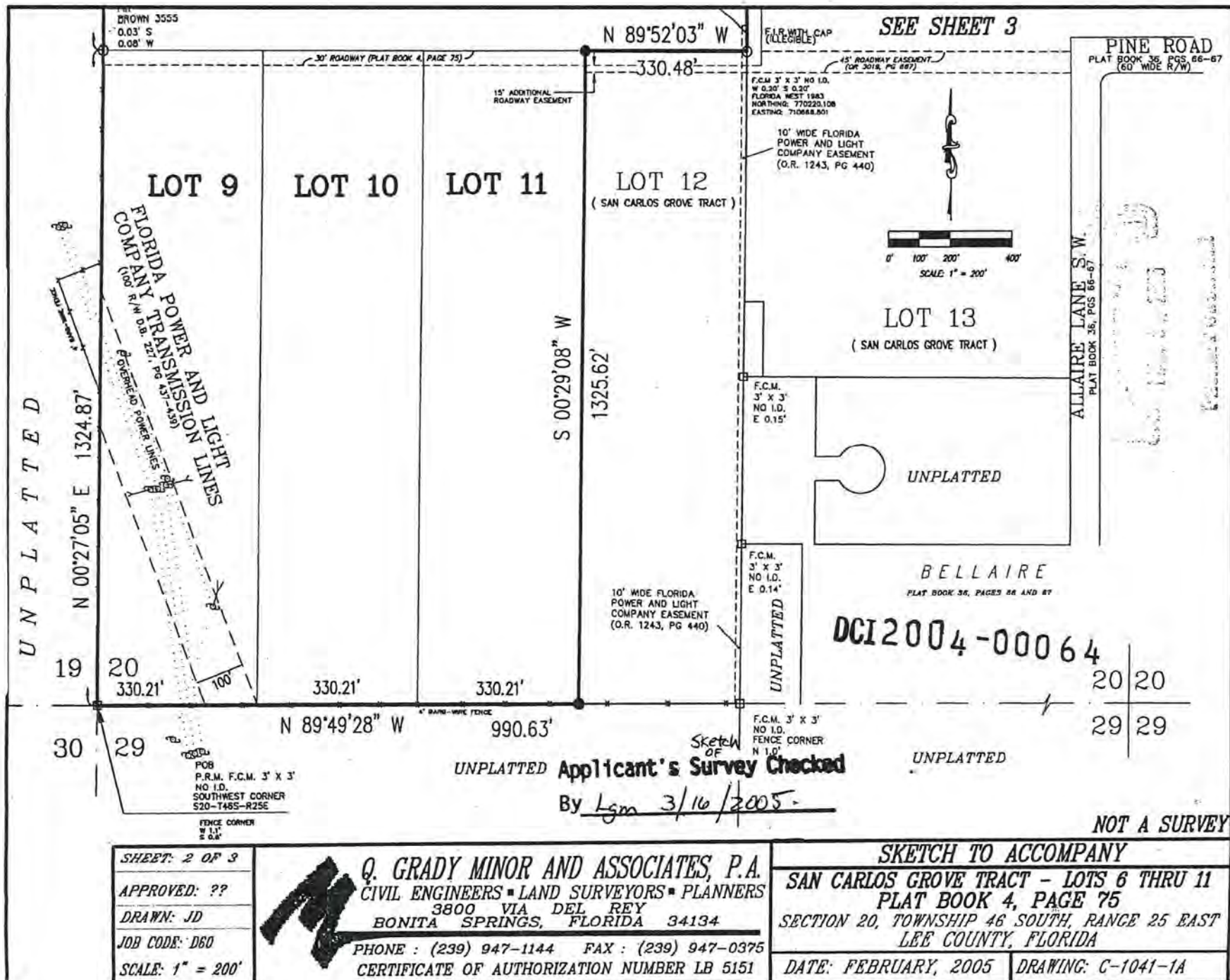
SHEET: 1 OF 3  
APPROVED: ??  
DRAWN: JC  
JOB CODE: D60  
SCALE: N/A



**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
3800 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134  
PHONE: (239) 947-1144 FAX: (239) 947-0375  
CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

**LEGAL DESCRIPTION**

**SAN CARLOS GROVE TRACT - LOTS 6 THRU 11**  
**PLAT BOOK 4, PAGE 75**  
**SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST**  
**LEE COUNTY, FLORIDA**  
DATE: FEBRUARY, 2005 DRAWING: C-1041-1A



U N P L A T T E D

P.R.M. F.C.M. 3' X 3' NO I.D.  
FLORIDA WEST 1983  
NORTHING: 772208.318  
EASTING: 709313.348

P.R.M.  
F.C.M.  
3' X 3'  
NO I.D.

WEST 1/4 CORNER OF  
S20-T46S-R25E  
FENCE CORNER  
W 1.0'

FENCE  
W 1.0'

N 00°21'31" E  
682.21'(M)  
680.00'(P)

993.66'

N 00°27'05" E

331.22'

331.22'

331.22'

S 89°54'20" E 1322.97'(C) 1325.70'(P)

LOT 5  
( SAN CARLOS GROVE TRACT )

S 89°53'59" E 1322.71'

LOT 6

LOT 7

V A C A N T

WOODED - PINES AND PALMETTOS  
AREA = 60.324 ACRES ±

LOT 8

10' WIDE FLORIDA  
POWER AND LIGHT  
COMPANY EASEMENT  
(O.R. 1243, PG 440)

S 89°54'20" E 1322.97'(C)

30' ROADWAY

331.47'

331.47'

331.47'

994.41'

N 00°29'49" E

F.C.M. 3' X 3'  
NO I.D.  
NORTHEAST CORNER  
OF THE SOUTHWEST  
1/4 OF  
S20-T46S-R25E

20 | 20  
20 | 20

LOTS 14 THRU 17  
( SAN CARLOS GROVE TRACT )



DCI2004-00064

NOT A SURVEY

SEE SHEET 2

SHEET: 3 OF 3

APPROVED: SB

DRAWN: JD

JOB CODE: D60

SCALE: 1" = 200'



Q. GRADY MINOR AND ASSOCIATES, P.A.

CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS

3800 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134

PHONE : (239) 947-1144 FAX : (239) 947-0375

CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

SKETCH TO ACCOMPANY

SAN CARLOS GROVE TRACT - LOTS 6 THRU 11  
PLAT BOOK 4, PAGE 75  
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

DATE: FEBRUARY, 2005 DRAWING: C-1041-1A



3/23/2005



800 400 0 800 Feet

EXHIBIT B

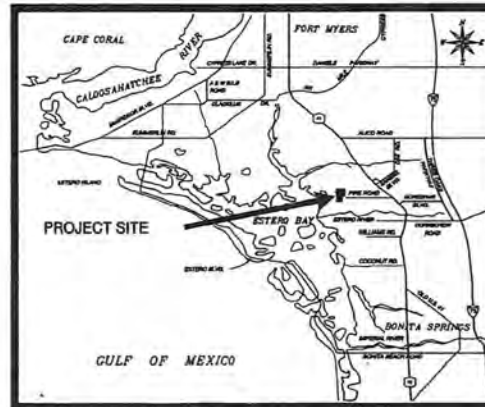
# HIDEAWAY COVE RPD

LOCATED IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE  
25 EAST, ESTERO, LEE COUNTY, FLORIDA

RECEIVED  
FEB 09 2006

## OWNER/DEVELOPER

ESTERO PRESERVE LLC  
8985 STAR TULIP COURT  
NAPLES, FLORIDA 34113



LOCATION MAP

## INDEX OF EXHIBITS

### DWG. No. DESCRIPTION

- 1 COVER SHEET AND INDEX OF EXHIBITS
- 2 GENERAL NOTES
- 3 MASTER CONCEPT PLAN
- 4 SOILS AND TOPOGRAPHIC MAP
- 5 AERIAL MAP

Approved as Exhibit  
MCP Page 1 of 5  
Resolution # 2-05-04

## REVISIONS

Revision	Date	Description	By
1	1/28/04	PER LEE COUNTY COMMENTS	SAI
2	1/27/05	PER LEE COUNTY COMMENTS	SAI
3	1/28/05	PER LEE COUNTY COMMENTS	SAI
4	1/28/05	PER LEE COUNTY COMMENTS	SAI

## PREPARED BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.

CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS

2000 VIA DEL REY

BONITA SPRINGS, FLORIDA 34134

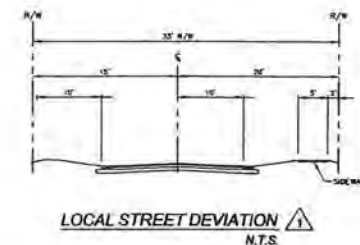
PHONE: (941) 847-1144 FAX: (941) 847-0075

EXPIRATION CERTIFICATE OF AUTHORIZATION OF BOARD

SURVEYING CERTIFICATE OF AUTHORIZATION OF BOARD

DCI 2004-C0064

DATE: AUGUST, 2004  
FILE NAME: E6ORPD COVR  
JOB CODE: E6ORPD  
DRAWING NUMBER 1 OF 5



#### PLANNING SUMMARY

PLAN DESIGNATION: OUTLYING SUBURBAN  
EXISTING ZONING DESIGNATION: AG-2, AGRICULTURE  
EXISTING LAND USE: VACANT  
PROPOSED DESIGNATION: RPD, RESIDENTIAL PLANNED DEVELOPMENT  
GROSS AREA: 60 ± ACRES  
STRAP NUMBER: 20-46-25-01-00009.1020 and 20-46-25-01-00009-0000  
STREET ADDRESS: ADDRESS UNASSIGNED, 4800 PINE ROAD

#### PUBLIC TRANSIT

THE PROPOSED PROJECT IS GREATER THAN A QUARTER MILE FROM ROUTE 150 AND DOES NOT PLAN TO PROVIDE TRANSIT FACILITIES. A BUS STOP MAY BE CONSIDERED AT SUCH TIME THAT A LEE TRAN BUS ROUTE IS WITHIN A QUARTER MILE OF THE PROJECT ENTRANCE.

Approved by Exhibits  
MCP Page 2 of 5  
Resolution #2-05-04

**RECEIVED**  
FEB 09 2006

DCI 2004-C0064

#### LEGEND

△ DEVIATION

#### DEVELOPER

ESTERO PRESERVE, LLC  
8985 STAR TULIP COURT  
NAPLES, FLORIDA 34113

REV	DATE	DESCRIPTION	BY
4	12/7/05	PER LEE COUNTY COMMENTS	ST
3	4/19/06	PER LEE COUNTY COMMENTS	S.C.R.
2	1/17/05	PER LEE COUNTY COMMENTS	BT
1	1/18/04	PER LEE COUNTY COMMENTS	BT

DESIGNED BY: A.J.R.

DRAWN BY: A.J.R.

APPROVED: S.T.

JOB CODE: ESORPD

TOTAL: N.T.C.



Q. GRADY MINOR AND ASSOCIATES, P.A.  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
2800 VIA DEL SOL  
BOYNTON BEACH, FLORIDA 33434

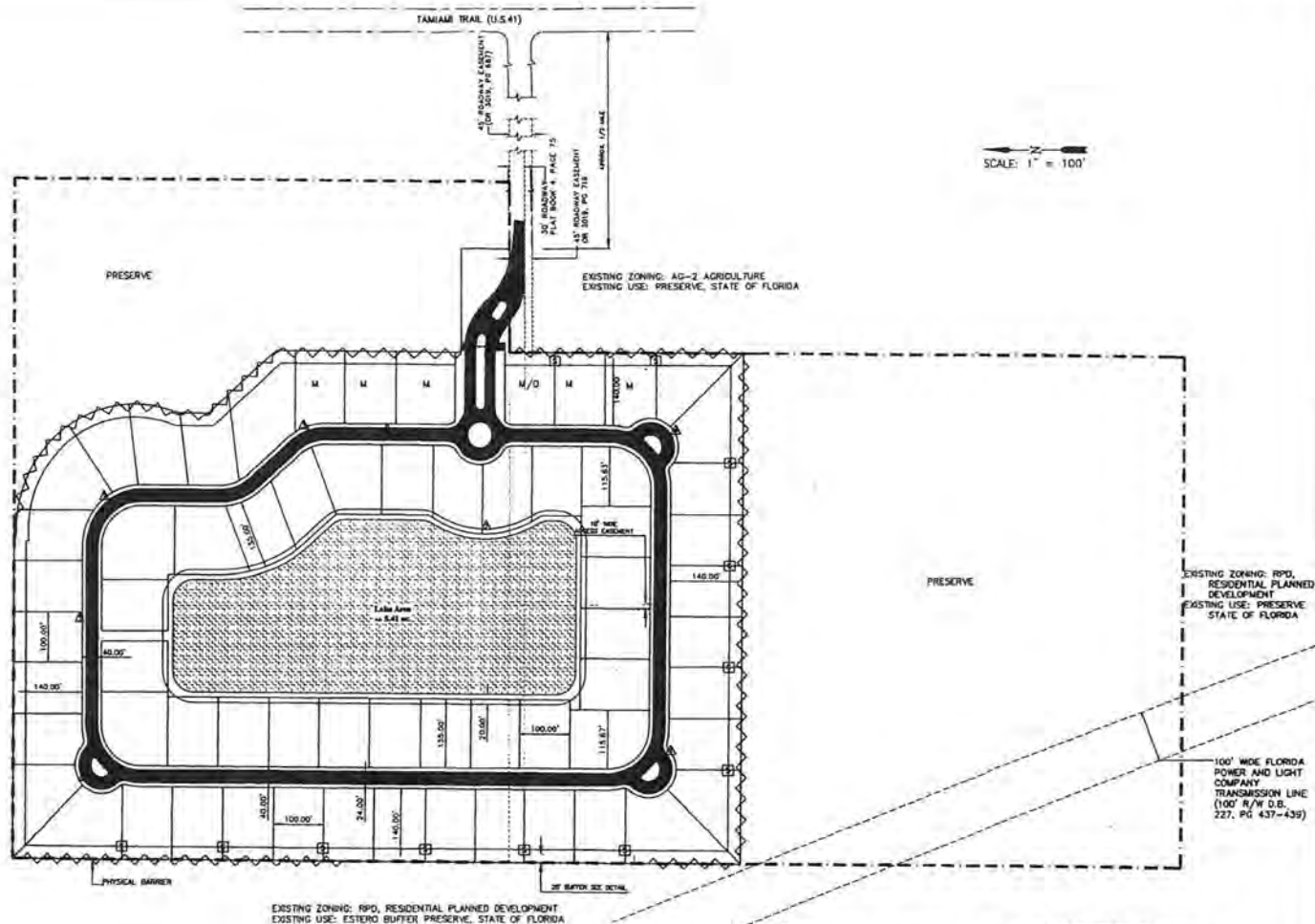
PHONE: (239) 947-1344 FAX: (239) 947-1075  
ENGINEERING CERTIFICATE OF AUTHORIZATION NO. 000001

#### HIDEAWAY COVE RPD

EXHIBIT 6-J  
GENERAL NOTES

DATE: 11/01/05 FILE NAME: 2004-00064.DWG DRAWING NUMBER 3 of 3





Approved as Exhibit  
MCP Page 3 of 5  
Resolution #2004-041

**RECEIVED**  
FEB 09 2006

DCI 2004-00064

LEGEND	
— — — — —	PROJECT BOUNDARY
M	MODEL HOME
O	OFFICE
~~~~~	PHYSICAL BARRIER
S	PRESERVE SIGNS
A	DEVIATION

**OWNER/DEVELOPER**  
ESTERO PRESERVE, LLC  
8985 STAR TULIP COURT  
NAPLES, FLORIDA 34113

Revision	Date	Description	By
3	6/18/05	PER LEE COUNTY COMMENTS	BT
2	1/20/05	ADD NATURE TRAIL	BT
1	1/28/04	PER LEE COUNTY COMMENTS	BT

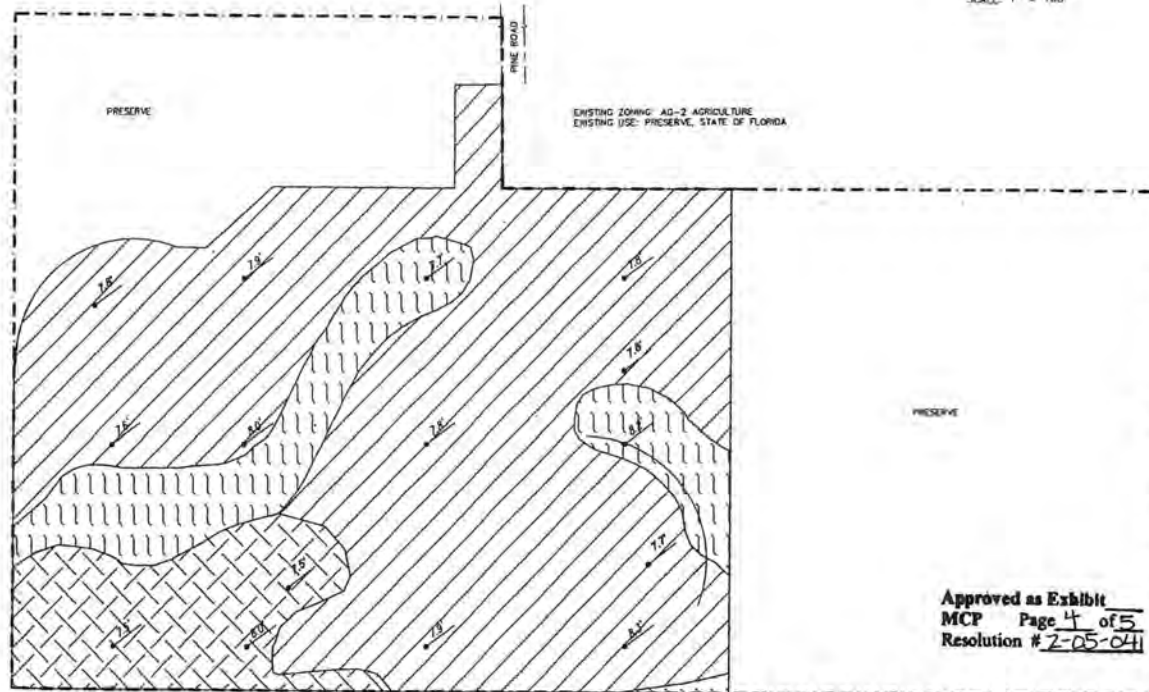
DESIGNED BY: B.T.  
DRAWN BY: A.J.R.  
APPROVED: B.T.  
JOB CODE: ECRPFD  
SCALE: N.T.S.

**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS  
2000 VIA DEL REY  
BONITA SPRING, FLORIDA 34134  
PHONE: (904) 847-1144 FAX: (904) 847-0275  
FLORIDA PROFESSIONAL ENGINEERING & SURVEYING LICENSE NO. 10000

HIDEAWAY COVE RPD	
MASTER CONCEPT PLAN	
DATE: AUGUST 2004	FILE NAME: HIDEAWAY COVE RPD
DRAWING NUMBER: 3	OF 5

SCALE: 1" = 100'

EXISTING ZONING: AG-2 AGRICULTURE  
EXISTING USE: VACANT



EXISTING ZONING: RPD, RESIDENTIAL PLANNED DEVELOPMENT  
EXISTING USE: ESTERO BUFFER PRESERVE, STATE OF FLORIDA

PRESERVE

EXISTING ZONING: RPD, RESIDENTIAL PLANNED DEVELOPMENT  
EXISTING USE: PRESERVE, STATE OF FLORIDA

Approved as Exhibit  
MCP Page 4 of 5  
Resolution # 2-05-04

100' WIDE FLORIDA  
POWER AND LIGHT  
COMPANY  
TRANSMISSION LINE  
(100' R/W D.S.  
227, PG 437-439)

# LEGEND

- 17 - DAYTON SAND
- 18 - TAMPAKALE SAND
- 19 - MIAMI FINE SAND, DEPRESSURE
- 20 - S.W.D. 100

SOILS DETERMINATION FROM AEC SURVEY  
OF LEE COUNTY, FLORIDA, 1961  
DEPARTMENT OF AGRICULTURE,  
DEPARTMENT OF AGRICULTURE,  
STATE OF FLORIDA

EXISTING FENCE, WITHIN 100' YEAR FLOOD  
BOUNDARY

## LEGEND

PROJECT BOUNDARY

## OWNER/DEVELOPER

ESTERO PRESERVE, LLC  
8985 STAR TULIP COURT  
NAPLES, FLORIDA 34113

Revised	By	Date	Description	By
1	1/18/04		REV. LEE COUNTY COMMENTS	BT

## DESIGNED BY: B.T.

DRAWN BY: A.J.R.

APPROVED: B.T.

JOB CODE: C0060

SCALE: 1" = 100'

**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
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3800 YEA DR. SE  
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PHONE: (205) 847-1444 FAX: (205) 847-0279  
E-MAIL: QGRADY@QGRADY.COM

**RECEIVED**  
FEB 09 2006

DCI 2004-C0064

HIDEAWAY COVE RPD

SOILS AND TOPOGRAPHIC MAP

DATE: AUGUST, 2004 FILE NAME: H0001.MXD DRAWING NUMBER: 4 OF 5







**CPA2002-02  
ESTERO-60  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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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*

**October 23, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2002-02**



Text Amendment



Map Amendment

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

STAFF REPORT PREPARATION DATE: March 17, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

ESTERO 60 ACRE LAND TRUST  
REPRESENTED: BY WAYNE ARNOLD,  
Q. GRADY MINOR AND ASSOCIATES

**2. REQUEST:**

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, to amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property. The applicant proposes the following text amendment:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities,

commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. For lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, connection to a central sanitary sewer system shall be required if residential development occurs at a density exceeding 1 dwelling unit per acre, and clustering shall be utilized if residential development occurs at a density exceeding 1 unit per acre to enhance open spaces and buffers and to provide for an appropriate flow way. Compliance with the above clustering standards shall be demonstrated through the use of the planned development zoning district.

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

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** In addition to the various conclusions contained in this Staff Analysis, staff offers the following as the basis and recommended findings of fact:
  - The requested land use category is not adjacent to the site.
  - The need for additional urban area within the County has not been justified by the applicant.
  - Based on the 2020 FSUTMS model run, even with all planned improvements, U.S. 41 will operate at LOS F in the year 2020. The proposed increase in density would add 59 trips in the P.M. peak hour. This would worsen an already burdened section of major roadway.
  - Access to the property is through an existing residential area to the east. Furthermore, the access road is substandard and the access is problematic where the Right of Way intersects existing roads.



- All portions of the property less than 7.4 feet in elevation meet the criteria of the Coastal high Hazard Area.
- Access is further limited by the north-south configured slough flow-way on the eastern edge of the property.
- This slough could act as a conduit for storm surges coming up from Mullock Creek.
- This property is within the Tidal Surge area depicted on Lee Plan Map 9: Defined 100-year Flood Plains.
- The property abuts the Estero Scrub Preserve, a state-owned conservation area, to the south and west.
- Increasing residential density from one unit per acre to two units per acre would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels.
- The proposal would add 2.4 minutes to the hurricane evacuation time.
- The proposal would double the number of vehicles evacuating in a hurricane from 58 to 116 and the number of people evacuating from 109 to 218.
- The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46.
- The proposal would double the amount of hurricane shelter space needed in a category 2 hurricane from 460 square feet to 920.
- The majority of the property contains high quality native uplands.
- The property contains habitat for Lee County listed species.
- The proposed amendment is inconsistent with Lee Plan Policies 75.1.4 and 5.1.2 which seek to limit development in the Coastal High Hazard Area.
- A nearly identical proposal was denied by the Board of County Commissioners in January 2002.
- Remaining upland portions of the property are essentially an island surrounded by the Coastal High Hazard Area.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 60.324 acres.

**PROPERTY LOCATION:** The site is generally located at the end of Pine Road, west of U.S. 41 in Estero.

**EXISTING USE OF LAND:** The subject property is currently vacant.

**CURRENT ZONING:** AG-2.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Rural, Urban Community and Wetlands.

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

**WATER & SEWER:** The subject property is located in the Gulf Environmental Services, Inc., franchise area for potable water service. Conversations with personnel at the water utility indicate that adequate flow and pressure are available. The nearest water main is a 10 inch line running along the south side of Pine Road from US 41 to the western end of Pine Road, terminating approximately 670 feet from the property. Staff has confirmed with personnel at Gulf Environmental Services Inc. that the water treatment plant for the area has sufficient capacity for the proposed additional 60 units.

The subject property is also located in the Gulf Environmental Services, Inc., franchise area for sanitary sewer service. According to the application, "Sanitary sewer will be extended to the site and utilized." The nearest sewer line is a force main on the east side of US 41 and connecting to it would require an investment in infrastructure for new lines and force pumps. Planning staff notes that Lee Plan Standards 11.1 and 11.2 provide for mandatory connections when certain development thresholds are achieved. The proposed density increase would fall below the 2.5 units per acre threshold for mandatory connection to sanitary sewer lines. However, the applicant has proposed language that would make sewer connections mandatory for the subject property.

On June 30<sup>th</sup> 2003 Lee County Utilities will take over services from Gulf Environmental Services. Staff does not anticipate any difficulties or changes in the level of service from this change.

**FIRE:** The property is located in the San Carlos Fire Protection and Rescue Service District.

**TRANSPORTATION:** The subject property currently has access to an unimproved dirt trail which is covered by easements connecting it to Pine Road, on the west side of U.S. 41.

**SOLID WASTE FRANCHISE:** Gulf Disposal Inc.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant, Estero 60 Acre Land trust, represented by Wayne Arnold, is requesting a change of future land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for 51.63 acres of a 60.324 acre parcel of land (attachments 1A and 1B). The applicant is also requesting an amendment to the Lee Plan that would limit the property to a maximum density of two units per acre and would require that any future development to connect to central sewer services. The site is located west of the current terminus of Pine Road west of U.S. 41 in Estero, in Section 20, Township 46 South, Range 25 East. If the amendment is approved the permissible density would increase from a maximum standard density of 1 du/acre to 2 du/ac, a 100 percent increase.

This proposal is nearly identical to proposed Lee Plan Amendment PAM98-06. That proposed amendment was denied by the Lee County Board of County Commissioners in January 2002. The only difference between PAM98-06 and this proposed amendment is the additional proposed language requiring the subject property to connect to central sewer service and the use of clustering and the planned development process.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was shown as being located in the "Rural" and "Urban Community" land use categories. Only that portion of the property lying to the east of Mullock Creek was designated Urban Community which accounts for only a small triangle in the extreme southeast corner. Subsequent Future Land Use Map amendments and administrative interpretations redesignated the slough system on the eastern side of the property and other scattered spots to Wetlands. This created 7.86 acres of Wetland designation and resulted in an even a smaller portion (.5 acre) of the property being designated Urban Community. There are approximately 51.63 acres currently designated Rural on the property. The future land use designations of this property were not affected by the Estero/Corkscrew Road Area Study of 1987.

#### **ADJACENT ZONING AND USES**

Immediately to the north of this parcel are 9 vacant acres of a 31 acre parcel in the Shady Acres RV Park, with AG-2, MH-2, and RV-3 zoning. North of that parcel is a subdivided portion of Shady Acres with MH-1 zoning. These parcels are designated as Rural, Wetlands, and/or Urban Community. Immediately to the east of the subject parcel are several parcels zoned AG-2 and RS-3. Some are vacant, and others have low density residential uses. These parcels are designated Wetlands and Urban Community. Two parcels have churches on them. The first church is a Congregation of Jehovah's Witnesses on the north side of Pine Road. Further east on the south side of Pine Road is Crossway Baptist Church. To the south and the west is the Estero Scrub Preserve, a conservation area and part of the state-owned Estero Aquatic Preserve. To the east is a 10 acre vacant parcel that is part of a slough system feeding into Mullock Creek. This parcel is part of an ongoing land swap between the Trustees for Internal Improvement Trust Fund (TIITF) and the parcels owner. The 10 acre parcel is being given to the state in exchange for TIITF-owned land along US41. The 10 acres will then become part of the Estero Scrub Preserve. The significance of this swap is that if it goes through it will cause the subject property to become bordered by the Estero Scrub



Preserve on three sides. This will further isolate the property from nearby residential land. As of this report, the swap is still pending.

### **TRANSPORTATION ISSUES**

Proposed Lee Plan Amendment PAM 98-06 was a part of the 2001-02 Regular Plan Amendment Cycle. The Lee County Department of Transportation (DOT) reviewed that request and provided Planning staff written comments dated December 14, 1998 (see Attachment 2). The Department of Transportation raised four questions/comments which are relevant to this proposed amendment. The property will use Pine Road to access U.S. 41. DOT notes that, based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020, even with all of the planned transportation improvements in place. In a memo dated February 6, 2001, DOT staff states that a density increase of 1 unit/acre to 2 units per acre will result in an additional 59 trips in the P.M. peak hour, but this will not change the future road network plans. Although the number of trips generated will not be very large, it will exacerbate an already bad situation. Planning staff questions the validity of doubling the density on this property when it is known that there is a future LOS problem on a major roadway link affected by this property.

DOT also raises a potential problem with north bound traffic exiting the property making a U-turn at the intersection of U.S. 41 and Breckenridge.

Pine Road itself is a substandard roadway, measuring only about 20 feet wide with soft shoulders and a drainage ditch on the north side.

An additional concern is the configuration of the access from Pine Road. Several access points intersect at this point. This includes the easement to the subject property, Allaire Lane to the south, Pine Road to the east, the entrance way to the residential property to the southwest, an unimproved approach running north from the intersection, and access ways from the residence to the northwest and the Jehovah's Witness church northeast of the intersection.

### **Mass Transit**

The application provided the following regarding Mass transit during the PAM 98-06 plan amendment:

*"The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary."*

In a memo dated February 20, 2003, Steve Myers of LeeTran reaffirmed that the proposed amendment will have no effect on existing or planned LeeTran services (see Attachment 2).

### **PUBLIC SAFETY ISSUES**

The applicant and Planning staff requested letters from the public safety and service providers (see Attachment 2). The purpose of these letters is to determine the adequacy of existing or proposed support facilities.

### **Emergency Management - Hurricane Evacuation/Shelter Impacts**

Lee County Emergency Management (EM) staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments dated February 20, 2001 (see Attachment 2). These comments are relevant to this proposed amendment. Many portions of the subject property meet the criteria for the Category 1 evacuation area. Doubling the allowable density on a property located in a Category 1 evacuation area, according to the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, would add 2.4 minutes to the exiting evacuation time. The increased density would also double the number of people seeking shelter in a category 2 hurricane from 23 to 46 and double the amount of shelter space needed from 460 square feet to 920. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of evacuating people would double from 109 to 218.

### **Fire Service Impact**

The subject parcel is located within the San Carlos Fire Protection and Rescue Service District. In a May 29, 2001 conversation with staff, Chief Ippolito of the San Carlos Fire Protection and Rescue Service District stated his objection to the proposed increase in Density due to the single access and the substandard nature of Pine Road. This concern was reaffirmed in a conversation with San Carlos Fire Protection staff on March 14, 2003.

### **Emergency Medical Services (EMS) Impact**

EMS staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments. Those comments are relevant to this proposed amendment. In a letter dated October 15, 1998, the EMS Program Manager stated:

*"If the above named parcel is changed to Outlying Suburban from Rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit /3 dwelling units per acre) The Residents could generate 45 calls annually for EMS resources."*

*"Without a site plan showing ingress/egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances/personnel are acquired according to current budgetary plans."*

Planning staff is concerned that an average response time of six minutes is excessive. The Lee Plan's non-regulatory EMS standard, as contained in Policy 70.1.3, provides for "a five and one half (5½) minute average response time."

### **Public Safety Conclusion**

From the above reviews, planning staff concludes that the requested land use change will have an impact on public safety service providers by increasing the demand on existing and future facilities.

### **SCHOOL IMPACTS**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated February 26, 2003 (see Attachment 2). In a personal communication with planning staff on March 4, 2003 School District staff confirmed that the proposed amendment to Outlying Suburban would increase the potential density to two units per acre, or 120 units. These units would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the

South Region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that would need to be addressed in the permitting process through school impact fees.

## **VEGETATION & WILDLIFE**

The 60-acre parcel contains approximately 43 acres of high quality scrubby pine flatwoods, 0.7 acres of pine/oak scrub, 5 acres of pine flatwoods with melaleuca, 8 acres of melaleuca dominated wetlands, 1.7 acres of FPL transmission line easement, 1.2 acres of borrow pit/pond, and 0.8 acres of disturbed area. The property abuts the Estero Scrub Preserve along the entire length of the western and southern property lines.

The melaleuca dominated slough system crossing the eastern portion of the property is degraded vegetatively, however, the conveyance and stormwater storage capacity are important to this portion of the County. Restoration of the slough system would be beneficial to water quality, water storage, and wildlife. In fact, the state has begun restoration of this slough system to the south on the Estero Scrub Preserve property.

The property consists of habitat that may support Lee County listed species. The potential listed species include gopher tortoise, eastern indigo snake, gopher frog, southeastern American kestrel, red-cockaded woodpecker, Florida panther, Big Cypress fox squirrel, Florida black bear, fakahatchee burmanian, satinleaf, beautiful paw-paw, Florida coontie, American alligator, roseate spoonbill, limpkin, little blue heron, reddish egret, snowy egret, tricolored heron, and Everglades mink. Gopher tortoise burrows and scat were observed by Craig Schmittler, South Florida Water Management District, and Boylan Environmental Consultants staff.

## **COMMUNITY PARKS IMPACT**

The application provides the following concerning this issue:

*"The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero."*

In a memo from the Development Services Division dated May 16, 2001, County staff states,

*"The potential increased population is 126 residents. These residents will require 0.75 acres of regional parks to meet the required level of service (LOS) and 1.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the year 2004. However, the desired LOS will probably not be met in 2004."*

*"The residents will require 2.2 acres of community parks to meet the required LOS standard and 2.52 acres to meet the desired LOS standard. There is sufficient acreage to meet the required LOS standard throughout the year 2004. However, the desired LOS standard was not met in 1997. The only new park or addition planned in Community Park Impact Fee District 4 is a 3-acre addition at Bay Oaks Park on Ft Myers Beach which is not large enough to meet the desired LOS in 1998 or later."*



Although the proposed amendment would not create a park acreage deficit, it would make the goal of attaining the desired level of park space more difficult to achieve.

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

The application provides the following discussion concerning this issue:

*"Surface water management will be provided by a series of lakes, connecting culverts and out falls structures. All will be permitted through the South Florida Water management District and will comply with their rules and regulations."*

According to staff from Lee County Division of Natural Resources, surface water flows affecting this site are from northeast to southwest. While it may be perceived that flow go toward Mullock Creek, the system is very small and constricted. Staff believes the water flows crossing this site should be routed through this sites' water management system and outfall toward the FPL grade with culverts to allow the water flow to continue to the southwest through the State preserve.

#### **COASTAL ISSUES**

Coastal issues are relevant to this application. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council, shows that approximately 2.2 acres of the subject property are located within the Category 1 storm surge zone. However, due to the generalized nature of the Storm tide atlas, 2.2 acres is a low estimate and does not accurately indicate the extent to which the subject property would be affected by coastal flooding. In particular, staff is concerned that the slough on the eastern side of the property would act as a conduit for storm surges coming up from Mullock Creek. These surges could not only flood part of the subject parcel, but would also lay across the only access way from the subject property to hurricane evacuation routes. According to communications with Dan Trescott of the Regional Planning Council, those portions of the subject property lower than 7.4 feet meet the criteria for the category 1 storm surge and should be in the Coastal High Hazard Area. This includes the Northwest corner of the property, the eastern portion of the northern half of the property as well as the southeast corner of the property (See Attachment 4). The topographic map of the subject property reveals that the slough areas are less than 7.4 feet in elevation and therefore should be within the Coastal High Hazard Area. The subject site is in the "Coastal Planning Area" as defined by the Lee Plan. All of the subject property is in the FIRM A Zone. The site is also within the Tidal Surge area of a 100-year storm according to Lee Plan Map 9: Defined 100-year Flood Plains (See Attachment 5). The site has a history of flooding as indicated on the Flood History Map supplied by Emergency Management Staff (See Attachment 6).

Lee Plan Policy 75.1.4 states:

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

The applicant is seeking to increase residential density over and above that which is currently permitted by the Rural designation of the subject property. The end result, if approved, is increased density and the

concurrent increase in population placed in an area subject to storm surge. Staff finds that doubling the number of permitted units on the subject property is inconsistent with the statement of "assignment of minimum allowable densities" in this policy.

In addition, Lee Plan Policy 5.1.2. states:

*"Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community."*

Staff finds that doubling the number of permitted units on the subject property is inconsistent with this policy. Furthermore, the applicant has not included any analysis or justification that the subject property (a portion of which is located in the Coastal High Hazard Area) is an appropriate location to increase densities from that currently envisioned and permitted by the Lee Plan.

In a memo dated February 13, 2003, John D Wilson of the Division of Public Safety states:

*"As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4."*

*"The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not consistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would remove this acreage from the amount the county currently receives credit for this particular activity."*

In the event of a category two hurricane, doubling the density of this property would also double the number of evacuating people from 109 to 218. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of people seeking shelter would double from 23 to 46.

#### **POPULATION ACCOMMODATION ANALYSIS**

There are approximately 51.63 acres currently designated Rural on the property. Under the current designation, 51 dwelling units could be constructed in the Rural area. This Rural area accommodates 106 persons on the FLUM (51 X 2.09 persons per unit). There is .5 acre designated Urban community on this property. Under that designation, a maximum of 3 dwelling units could be built in that area. This equates to a population accommodation capacity of 6 persons (3 units X 2.09 persons per unit). There are 7.86 acres designated Wetland on the subject property. Since a minimum of 20 acres of Wetland is needed for a single unit, no dwelling units can be constructed in this area. Under current designation, 54 units total can be constructed on the subject property for a population accommodation capacity of 112 persons.

The proposed plan amendment would redesignated the Rural areas to Outlying Suburban with a maximum density of 2 units per acre. This would allow a maximum of 103 units to be built on the outlying suburban land. This would increase the Population accommodation capacity to 215 persons. The Urban Community

and Wetland areas would be unaffected and would still allow 3 units and zero units respectively. This would create a total of 106 dwelling units on the subject property and a population accommodation capacity of 221 persons under the proposed amendment. This would increase the population accommodation on the Future Land Use Map by 109 persons.

### **APPROPRIATENESS ANALYSIS**

The request is to redesignate 51.63 acres of a 60.324 acre parcel of land from a non-urban designation to a Future Urban designation. The applicant has not shown that the proposed land use category is appropriate for the subject site. The requested land use category, Outlying Suburban, is not adjacent to the site. As such, the proposed amendment represents "spot" planning. In addition, the proposal would also create approximately 51 acres of additional future urban area. Lee County currently has sufficient land designated future urban area and the applicant has not provided sufficient justification for more urban land at this time.

In 1989, The secretary of the Florida Department of Community Affairs defined sprawl as "premature, low-density development that 'leapfrogs' over land that is available for urban development." The subject property is in a rural designation and is situated just outside a future urban area designated Urban Community on the Future Land Use Map. The urban area between the subject property and US 41 currently contains low density residential and vacant parcels (attachment 3). As such, the proposed amendment would fit this definition of urban sprawl.

The site abuts a state-owned preservation area and as such the lower density non-urban category is more appropriate. Lee County has proposed no urban services for this site. Increasing the density would place a greater demand on a substandard local road and on US 41, which will be already overloaded by the year 2020. The applicant has not stated a clear planning basis for the requested change. Staff finds that the application's supporting documentation is insufficient to warrant this change.

### **B. CONCLUSIONS**

This proposed plan amendment is almost identical to previous Lee Plan amendment PAM98-06 that was denied by the Lee County Board of County Commissioners in January 2002. The only difference between the two applications is the new proposed language that would require connection to central sewer service and the use of clustering and the Planned Development Process. The issues and concerns that planning staff had with PAM98-06 are still relevant and have not been sufficiently addressed by the applicant. Staff's main concern is the presence of the slough flow-way on the eastern edge of the property and the property's vulnerability to flooding. Planning staff finds that there is no justification for the proposed amendment to Map 1, the Future Land Use Map, to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban. The proposed plan amendment does not remedy or mitigate any undesirable condition nor does it enhance or create any desirable conditions. Staff believes that the increased density is inappropriate for the area.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended as requested. This recommendation is based upon the previously discussed issues and conclusions of this analysis. See the finding of facts in Part I of this report.



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

DATE OF PUBLIC HEARING: March 24, 2003

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

Both planning staff and the applicant gave presentations. One LPA member asked if any specific clustering were being proposed. The applicant replied that there were no specific plans for the property but that the RPD process would be used. An LPA member stated that it would be possible for the applicant to get the desired number of units on a smaller piece of land at higher density, allowing much of the property to be preserved. The applicant replied that it was necessary to redesignate the entire property to achieve the proposed density of 2 units an acre.

Another LPA member asked for an update on an abutting 10-acre parcel known as the Smith Parcel. The applicant described the parcel as 7 acres of slough and 3 acres of upland. The applicant stated that a developer was due to purchase the property on April 15<sup>th</sup> and then swap it to the state in exchange for another parcel in the area.

Three residents of the neighborhood abutting the subject property spoke at the meeting. Among the concerns they expressed were:

- The increased number of people that would be exposed to flooding, storm surges and hurricanes.
- The increased danger of entering US 41 from Pine Road.
- The destruction of wildlife habitats.
- The increased traffic would increase the danger to neighborhood children and pets.

One citizen stated that there is a 30-40 signature petition on file at the commissioners office opposing the proposed expansion.

Board members asked if there were any plans to signalize the Pine Road/ US 41 intersection or if the additional 60 units would warrant a median. Staff replied that they did not know of any plans to signalize the intersection and it would not be possible to accommodate a median at that location.

Two board members expressed concern over increased urban area in the County and felt that the traffic issue had not been addressed. Another member felt that the applicant was reasonable in their efforts and that in the long run, the County was better off with a clustered development served by sewer.

One member stated that although the applicant had made an effort to sell the property to the state, he moved that the LPA find the proposed amendment inconsistent with the Lee Plan and recommend that the Board of County Commissioners not transmit the proposed amendment. This motion was seconded.

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

**1. RECOMMENDATION:**

The LPA recommends that the Board of County Commissioners **not** transmit this amendment.

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

The LPA found that despite the applicants efforts to meet planning staffs requests, the proposed plan amendment was inconsistent with the Lee Plan.

**C. VOTE:**

NOEL ANDRESS	NAY
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
DAN DELISI	NAY
RONALD INGE	ABSENT
GORDON REIGELMAN	AYE

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

DATE OF TRANSMITTAL HEARING: June 25, 2003

- A. BOARD REVIEW:** Staff gave a brief presentation and the applicant addressed the Board. One commissioner stated that through it's own appraisal, the State had made it difficult for the board to deny transmittal. Another Commissioner asked about the affordable housing agreement between the applicant and the University. Larry Warner explained that the applicant could offer pre-sale arrangements to the University which could then sell units to University faculty members.

Heather Stafford of the Florida Department of Environmental Protection stated that the State is working with the applicant towards the acquisition of a portion of the 60-acre parcel. The County Attorney stated that the sale of the property could be limited by the State's own appraisals. A commissioner then mentioned that the Board was getting involved in things beyond it's purview and that planning staff and the Local Planning Agency had recommended not to transmit the proposed amendment.

The commissioner also stated that there were many issues that were not being addressed by the Board during the meeting. He asked staff what the main reasons were for recommending not to transmit the proposed amendment. Staff replied that Pine Road is a sub-standard road, the proposed amendment would add additional traffic onto US 41, that the proposal would double density in environmentally good habitat, and that there has been no demonstration of need for additional urban land in the County. The applicant stated that the proposed amendment would allow the land to be developed in a much more environmentally-friendly manner than it would be without the measures included in the proposed language.

A Commissioner moved to transmit the proposed amendment with the understanding that if it was adopted, it would require water and sewer service with no septic tanks at whatever density it is developed. Another Commissioner stated that implicit in the motion was that the property should include the Planned Development process if developed at higher than one unit per acre, that utilities would be mandatory at all densities, and that any development would be clustered with the balance of the land going into preservation. One Commissioner stated that he could not support the applicants proposal because the Staff recommendation was not to transmit.

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

- 1. BOARD ACTION:** The Board of County Commissioners voted 3-2 to transmit the proposed Future Land Use Map amendment along with the following language modifications:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not



permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/ Estero Area must connect to a central sanitary sewer system if residential development is pursued on the property. In addition, if residential density in excess of 1 dwelling unit per acre is proposed, clustering must be utilized to enhance open space, buffers and to provide for an appropriate flow way. Compliance with the clustering standard must be demonstrated through the use of a planned development zoning district

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The majority of the Commissioners stated that the proposed amendment would allow the subject property to be developed in a more responsible and environmentally friendly manner.

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>ANDREW COY</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>NAY</u>
<b>DOUG ST. CERNY</b>	<u>NAY</u>

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

DATE OF ORC REPORT: September 5, 2003

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

DCA staff found the proposed change to the Outlying Suburban future land use category to be unsuitable for the following three reasons:

***Suitability issue:** The proposal is to change the land use designation on a 60-acre site located in the vicinity of Pine Road and U.S. 41, from Rural (1 dwelling unit per acre) to Outlying Suburban (3 dwelling units per acre but limited by policy to a density of 2 dwelling units per acre). This proposed designation of Outlying Suburban appears unsuitable for this site for a variety of reasons:*

*Firstly, the site is adjacent to the Estero Scrub Preserve, on the west and southwest, a state-owned conservation area; increased density will result in a greater amount of run-off from the site with the potential to adversely impact the Scrub Preserve.*

*Secondly, although, the amendment includes a policy requiring clustering if development on the site exceeds 1 dwelling unit/acre, it has not been demonstrated, through adequate data and analysis, how development activities on the site will occur, at the proposed density with clustering, without jeopardizing the protection of threatened and endangered species that may inhabit the site since the proposed clustering provision does not include the implementation guidelines and criteria that must be followed by the developer. For example, the amount, nature, and type of open space that will be set aside to ensure minimal impact on the adjacent preservation area as well as the scrub habitat on the site and the species that inhabit it are not specified in the plan. In the absence of this type of guidance, the clustering policy is vague and cannot be relied upon to ensure the protection of natural resources. Thus, with respect to natural resource protection, the amendment appears to be inconsistent with Lee Plan's Objective 77.1, 77.3, and 77.4, and policies 77.2.10, 77.3.1, 77.4.1, and 83.1.5 regarding the protection of environmentally sensitive areas, endangered and threatened species and their habitat.*

*Thirdly, although, according to the supporting documentation, only a very small portion of the site is located within the Coastal High Area, Lee County's emergency management staff believes that the evacuation time of this site may be necessary in the event of a category 2 hurricane, and flooding could occur because the natural ground elevation on this tract of land is between 8 feet and 10 feet which is very vulnerable to storm surge and freshwater flooding associated with storms. Should evacuation of the site be necessary, the increased density would essential double the demand for shelter space originating from the site. Double the number of evacuating people and add 2.4 minutes to the hurricane evacuation time, with U.S. 41 as the only route. This is important since according to Lee County's Transportation Staff, U.S. 41 is projected to operate at a level of service standard of F by 2020, even with all of the planned transportation improvements completed. The additional number of trips will exacerbate the situation.*

*Chapter 163.3177(2), (6)(a), (d), (9)(b), Florida Statutes; Rule 9J-5.003(90), 9J-5.005(2)(a), (5), & (6); 9J-5.006(2)(a), (b), (3)(b)1., (3)(c)3., & 6.; Rule 9J-5.011(1)(f)1.; 9J-5.012(3)(c)1.; 9J-5.013(1)(a)5., & 4., (2)(c)5., 6., & 9., Florida Administrative Code.*

DCA staff recommend that the applicant demonstrates with adequate data and analysis that the increased density will not adversely affect the adjacent Estero Scrub Preserve. Also show how the proposed development will occur at the site at the proposed density without jeopardizing the protection of threatened or endangered species that may inhabit the site. Further, revise the proposed clustering policy to specify the type and amount of open space that will be set aside. Provide data and analysis showing how the amount of open space for preservation is related to the protection of natural resources.

## **B. STAFF RESPONSE**

Subsequent to the release of the ORC Report, Staff met with the applicant and their representatives on several occasions. It should be noted that the property owner for this amendment has changed from the original applicant. Just prior to the Transmittal Hearing the property was sold. The new owners have a fairly specific plan for development of the property. The plan should adequately address the objections raised in the ORC Report. However, as this is a comprehensive plan amendment and not a Planned Development zoning case, it is very difficult to "condition" assurances that this plan of development will in fact actually occur. Staff worked closely with the new applicant and now has proposed language that, while not absolute, gives sufficient assurance.

The revised plan of development, see attachment 7, further defines the clustering of development. The site is broken into three basic areas. The developed area is located in the northwest quadrant and is limited to  $\pm 31$  (thirty one) acres. The slough preserve area is in the northeast quadrant and contains some  $\pm 5$  (five) acres. The third area is located in the southern portion of the property and contains  $\pm 25$  (twenty five) acres. This area is dedicated as a preserve and abuts existing Aquatic Preserve Buffer property on three sides. This portion of the property is intended for sale to the State, the County, or another conservation entity. Staff believes that the proposed language for Policy 1.1.6 and footnote 6 of Table 1A provides adequate assurance that this plan, or one very similar to it, will eventually occur:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, **a portion of San Carlos Groves in San Carlos/Estero planning community**, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

### **1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:**



- a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property shall be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

Table 1 (a)  
SUMMARY OF RESIDENTIAL DENSITY<sup>1</sup>  
(No Change to the Table 1 (a))

CLARIFICATIONS AND EXCEPTIONS

(No Change to footnotes 1 through 5)

<sup>6</sup> In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (see Goal 17), the maximum density shall be 2 du/acre.

(No change to footnotes 7 through 11)

The newly amended language provides the following assurances to Lee County:

- A commitment to clustering the housing units in the north half of the subject parcel;
- Preservation of the open space in the southern half of the subject parcel;
- Preservation of the slough system crossing the eastern half of the subject parcel;

- Use of sewer services for the subject parcel instead of septic tanks; and,
- Use of central water system instead of individual wells.
- A commitment by the owner to pursue the sale or transfer of the preserve/open space area to the State, County, or other conservation entity

Staff believes that the amended language is a vast improvement over past proposals for the subject parcel by this and previous applicants. When the subject property was originally proposed for a Future land use map change, the proposed density was for three units per acre. In addition, there were no provisions for how the property would be developed. Central sewer and water service were not required. Nor was there any measures proposed to address preservation and conservation concerns. Therefore, planning staff recommend that the Board of County Commissioners adopt the proposed amendment with the amended language.

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

DATE OF ADOPTION HEARING: October 23, 2003

**A. BOARD REVIEW:**

Planning staff gave a brief presentation stating that staff had changed its recommendation from denial to adoption of the proposed amendment. In response to a commissioners question, staff stated that the County cannot require the State to purchase the subject property. Staff stated that the Department of Environmental Protection wanted to acquire the property and that the DEP had already acquired an abutting 10-acre tract. This would leave the subject property surrounded on three sides by the DEP-owned Estero Aquatic Preserve. A commissioner asked if the Department of Community Affairs would agree to this change. Staff responded that the DCA took part in several of the negotiations concerning the proposed language and that the applicant had prepared a document that addressed all of the DCA's concerns. The applicant then gave a brief presentation. The applicant stated that multiple reviews by environmental consultants have shown that there is no scrub habitat or endangered species on the property. Staff then suggested some minor changes to the proposed language, substituting "will" for "shall" and using the "±" symbol before the acreage amounts in paragraph 1.b. The proposed language, including the changes suggested by staff during the adoption hearing, is as follows:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, **a portion of San Carlos Groves in San Carlos/Estero planning community**, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:**

**a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.**

**b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning**



process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

Table 1 (a)

**SUMMARY OF RESIDENTIAL DENSITY<sup>1</sup>**

(No Change to the Table 1 (a), One change to the footnotes of Table 1 (a))

**CLARIFICATIONS AND EXCEPTIONS**

(No Change to footnotes 1 through 5)

<sup>6</sup> In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); **Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area;** and in the Buckingham area (see Goal 17), the maximum density shall be 2 du/acre.

(No change to footnotes 7 through 11)

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

**1. BOARD ACTION:**

The board moved to adopt the proposed amendment with the language submitted by the applicant after the transmittal hearing and amended by staff.

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

The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

**JOHN ALBION**

Aye

**ANDREW COY**

Absent

**RAY JUDAH**

Aye

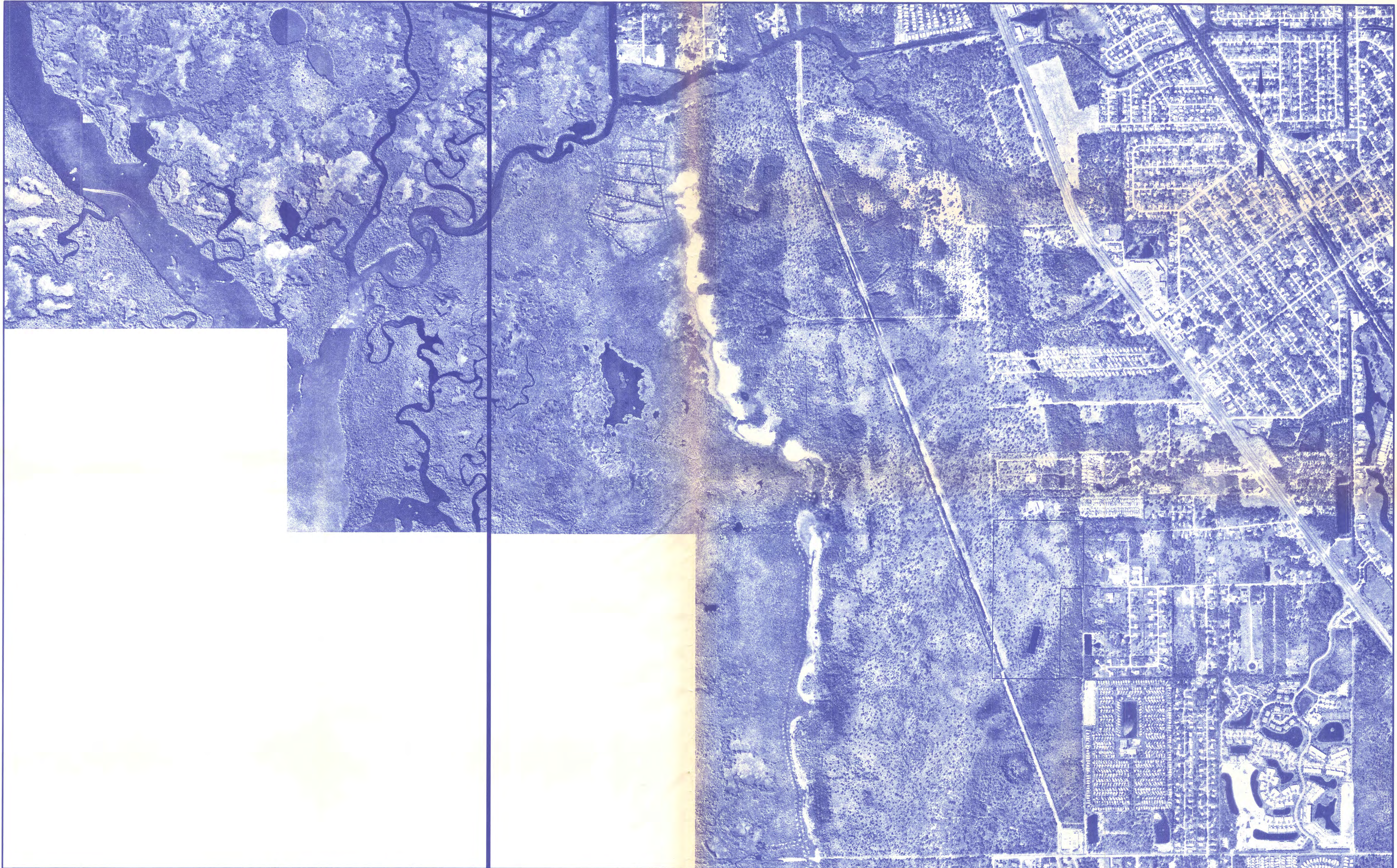
**BOB JANES**

Aye

**DOUG ST. CERNY**

Aye





NOTE: AERIAL IS TO AN APPROXIMATE SCALE OF 1" = 600'  
NOTE: AERIAL FLOWN DATE: FEBRUARY, 1998

OWNER/DEVELOPER

Revision	Date	Description	By

**PRINTED**  
DEC 19 2002  
Q. GRADY MINOR & ASSOCIATES, P.A.  
CIVIL ENGINEERS & LAND SURVEYORS

DESIGNED BY: SJU  
DRAWN BY: SJU  
APPROVED: QGM  
JOB CODE: E60CP  
SCALE: 1" = 600'

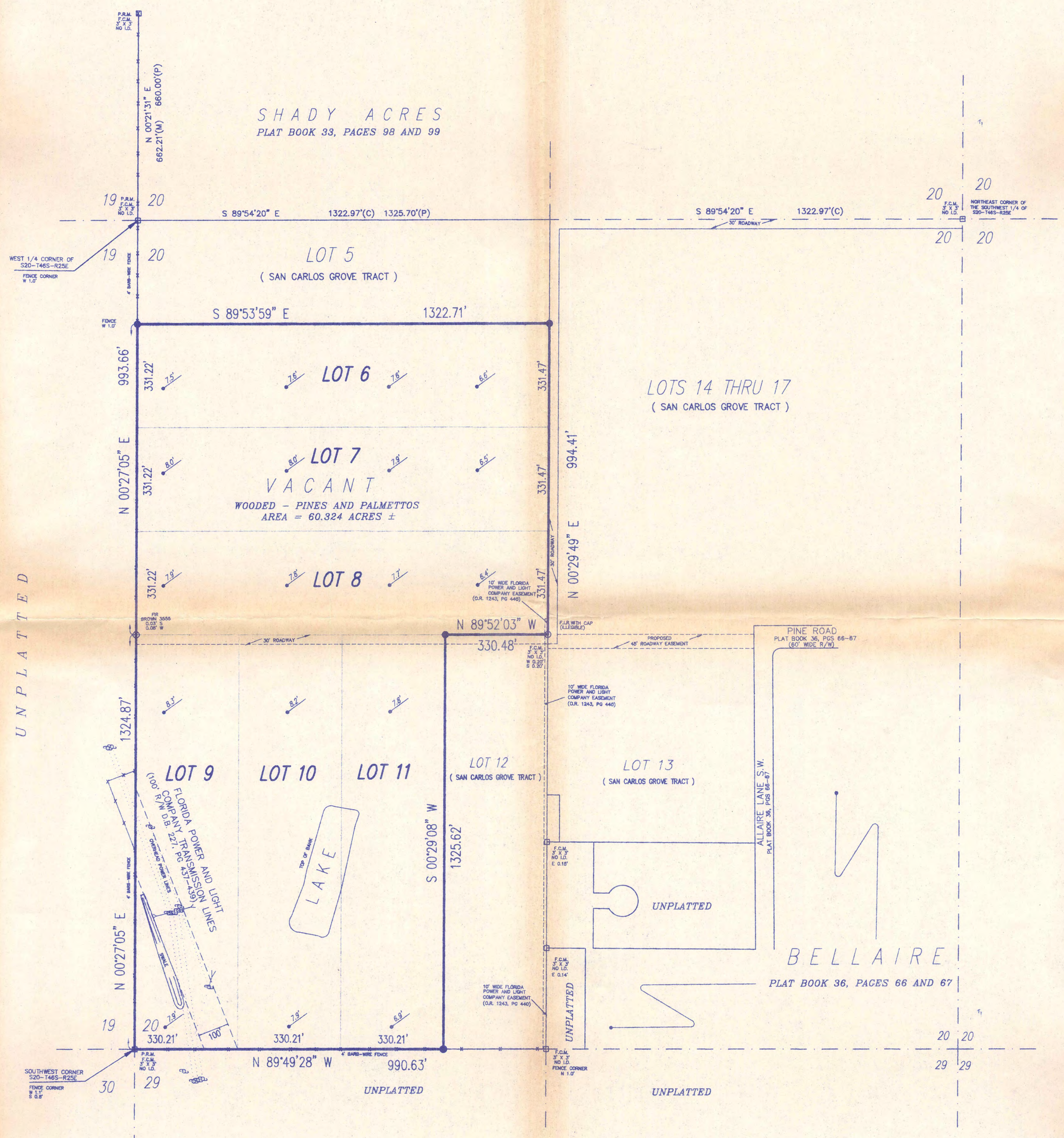
**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS ■ LAND SURVEYORS ■ PLANNERS  
3800 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134  
PHONE : (941) 947-1144 FAX : (941) 947-0375  
ENGINEERING CERTIFICATE OF AUTHORIZATION EB 0006161  
SURVEYING CERTIFICATE OF AUTHORIZATION LB 0006161

ESTERO 60 ACRES

DATE: DECEMBER 2001	FILE NAME: BAYAERI	DRAWING NUMBER 1
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**RECEIVED**  
DEC 20 2002  
COMMUNITY DEVELOPMENT






P.C.P.	PERMANENT CONTROL POINT
P.R.M.	PERMANENT REFERENCE MONUMENT
F.I.R.	○ FOUND IRON ROD
S.I.R.	● SET 5/8" IRON ROD WITH CAP, L.B. #5151
F.C.M.	□ FOUND CONCRETE MONUMENT
S.C.M.	■ SET 4" X 4" CONCRETE MONUMENT, L.B. #5151
C.L.P.	✕ CONCRETE LIGHT POLE
FND.	FOUND
	SECTION
T	TOWNSHIP
R	RANGE
(P)	PLAT
(M)	MEASURED
(C)	CALCULATED
P.B.	PLAT BOOK
P.G.	PAGE
W.P.P.	WOOD POWER POLE
GUY	ANCHOR GUY WIRE
R.C.P.	REINFORCED CONCRETE PIPE
U.T.S.	UNITED TELEPHONE SERVICE
M/H	MANHOLE
F/H	FIRE HYDRANT
F.P.L.	FLORIDA POWER & LIGHT
W/M	WATER METER
C.B.	CATCH BASIN
C.P.P.	CABLE POWER POLE
CATV	CABLE TELEVISION
O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK

SEP 26 2002  
Q. GRADY MINOR & ASSOCIATES, P.A.  
CIVIL ENGINEERS, LAND SURVEYORS

					FIELD BOOK / PAGE
					209/21-22
					CREW CHIEF: L.C.
					DRAWN BY: C.D.O.
					JOB CODE: 060
Revision	Date	Description	By		SCALE: 1" = 200'



**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS ■ LAND SURVEYORS ■ PLANNERS  
3800 VIA DEL REY  
BONTA SPRINGS, FLORIDA 34134  
PHONE : (941) 947-1144 FAX : (941) 947-0376  
CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

PLAT BOOK 4, PAGE 75  
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

DATE: FEBRUARY, 1999 DRAWING NUMBER: C-1041-1

LOTS 6, 7, 8, 9, 10 AND 11, OF THAT CERTAIN SUBDIVISION KNOWN AS SAN CARLOS GROVE TRACT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 4, PAGE 75. CONTAINING 60.324 ACRES. MORE OR LESS.

1. BEARINGS SHOWN DOWN HEREON REFER TO THE SOUTHERLY LINE OF SHADY ACRES, REPLAT OF SAN CARLOS GROVE TRACT, W 1/2 OF LOT 4 PLAT BOOK 33, PAGE 98, AS BEING S 89°54'20" E.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND OR RESTRICTIONS OF RECORD.
3. IMPROVEMENTS OTHER THAN THOSE SHOWN WERE NOT LOCATED.
4. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
6. ENVIRONMENTAL CONCERNS, ENDANGERED WILDLIFE AND JURISDICTIONAL WETLANDS, IF ANY, HAVE NOT BEEN SHOWN ON THIS SURVEY.
7. THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE A14, HAVING A BASE FLOOD ELEVATION OF 11.0'. PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP # 125124 0455 B, DATED SEPTEMBER 19, 1984.
8. ELEVATIONS REFER TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929. (N.G.V.D. '29)
9. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
10. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
11. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
12. THIS PROPERTY CONTAINS SEVERAL DIRT TRAILS THAT ARE NOT SHOWN ON THIS SURVEY.

A.P. DeSALVO, TRUSTEE  
RALPH A. RICHARDSON  
ATTORNEYS' TITLE INSURANCE FUND, INC.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 02/17/99. THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, F.A.C. PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Q. GRADY MINOR AND ASSOCIATES, P.A.

SIGNED 02/18/99

ERIC V. SANDOVAL

\_\_\_\_\_, P.S.M. #5223  
STATE OF FLORIDA



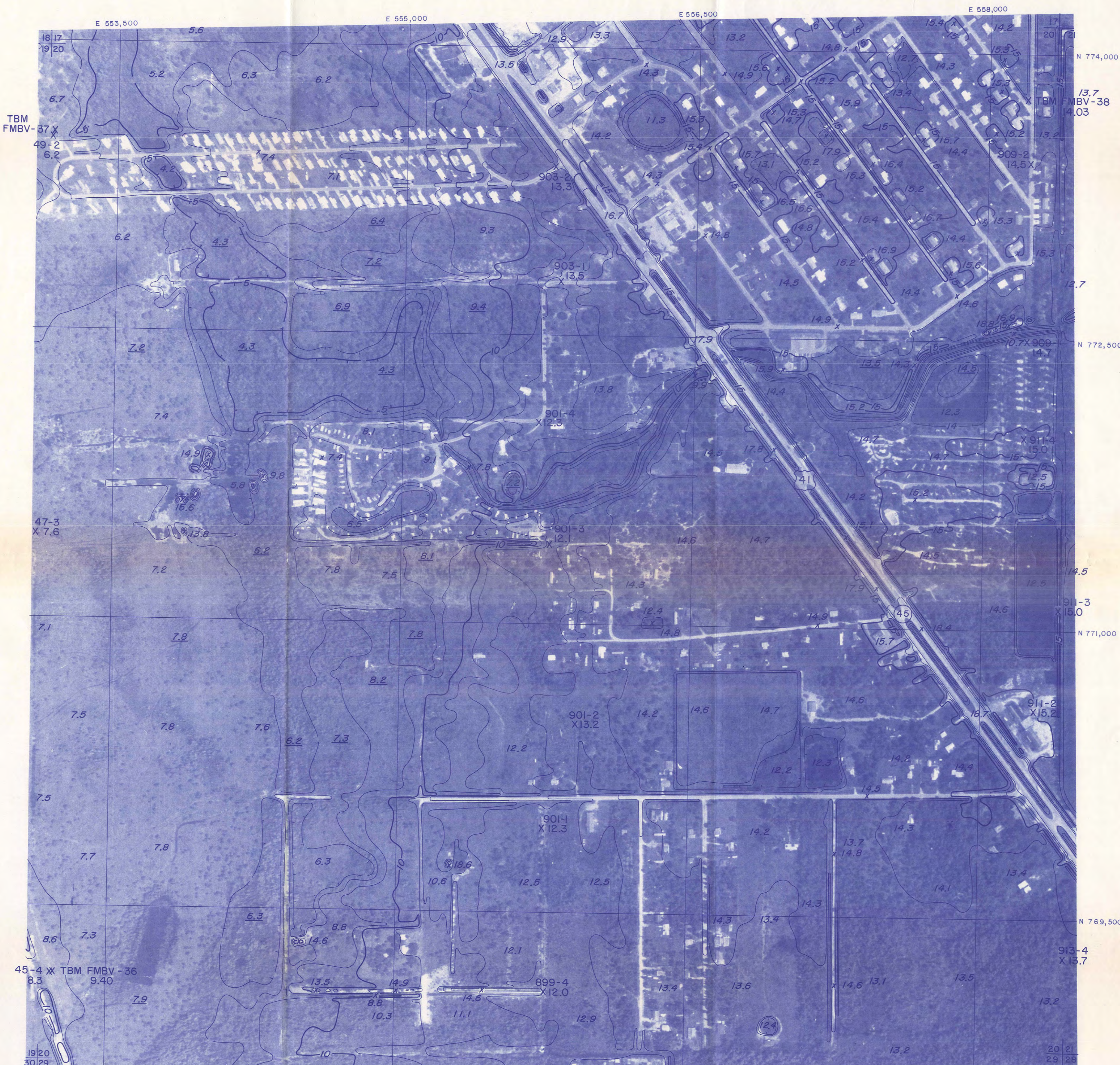
BY  
**HAMRICK** • *Aerial Surveys, Inc.*



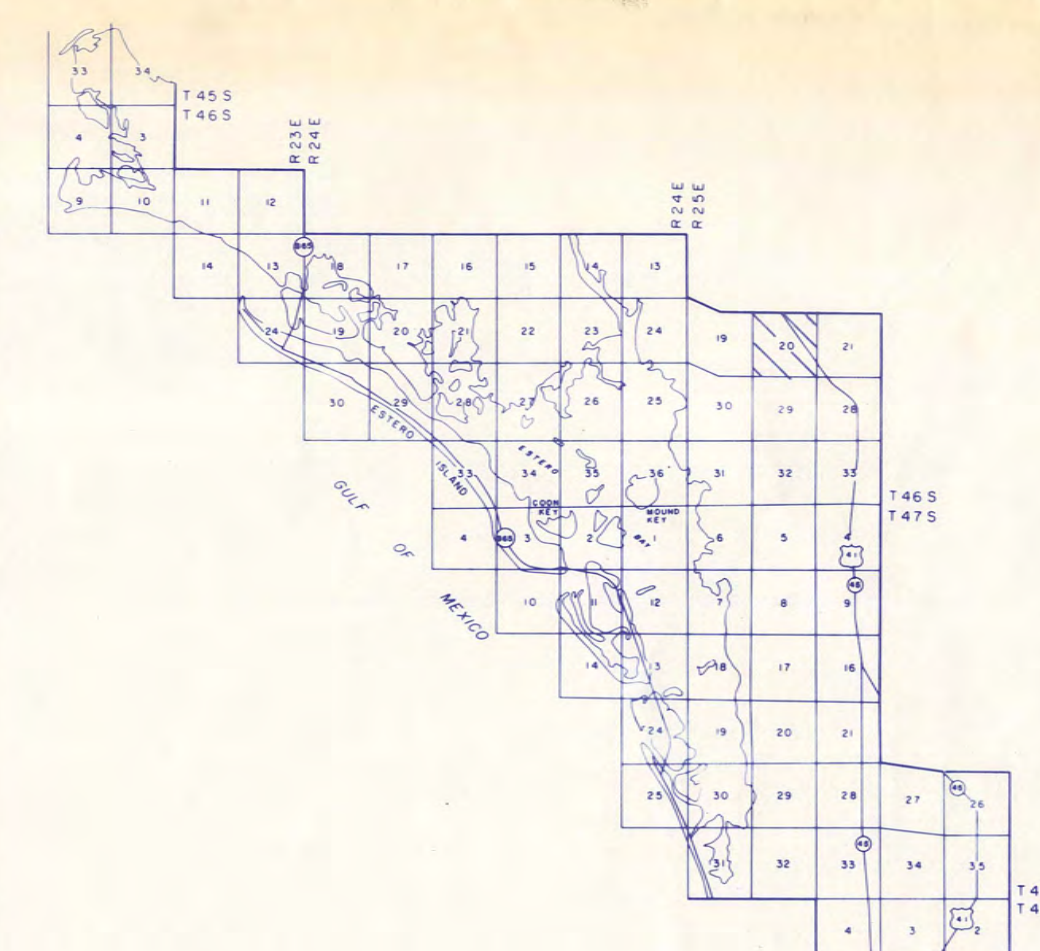
CLEARWATER  FLORIDA

### LEGEND

HORIZONTAL CONTROL	$\triangle$
TRAVERSE STATIONS	4-5-2 $\odot$
VERTICAL CONTROLS	9.13 X
SECTION CORNERS	$\frac{2}{11} \mid \frac{1}{12}$
CONTOURS	
DEPRESSION CONTOURS	
SPOT ELEVATIONS	12.5
T. B. M.	TBM X 7.2



Attachment 4



**NOTE** ACCURACY: IT IS INTENDED THAT THIS MAPPING COMPLY WITH U.S. NATIONAL MAP ACCURACY STANDARDS. HOWEVER, SUCH ACCURACY OR ANY OTHER LEVEL OF ACCURACY IS NOT GUARANTEED BY LEE COUNTY, FLORIDA.

THE LAND LINE INFORMATION SHOWN HERE ON IS  
COMPILED FROM THE BEST AVAILABLE DATA AND  
DOES NOT NECESSARILY REPRESENT TRUE LAND  
LINE LOCATION

DASHED CONTOURS AND UNDERLINED ELEVATIONS  
INDICATE STANDARD VERTICAL ACCURACY REDUCED  
BY HEAVY FOLIAGE COVER

GRIDS BASED ON FLORIDA STATE PLANE  
COORDINATE SYSTEM WEST ZONE

ELEVATIONS BASED ON USC 8GS DATUM



300      0      300      600      900

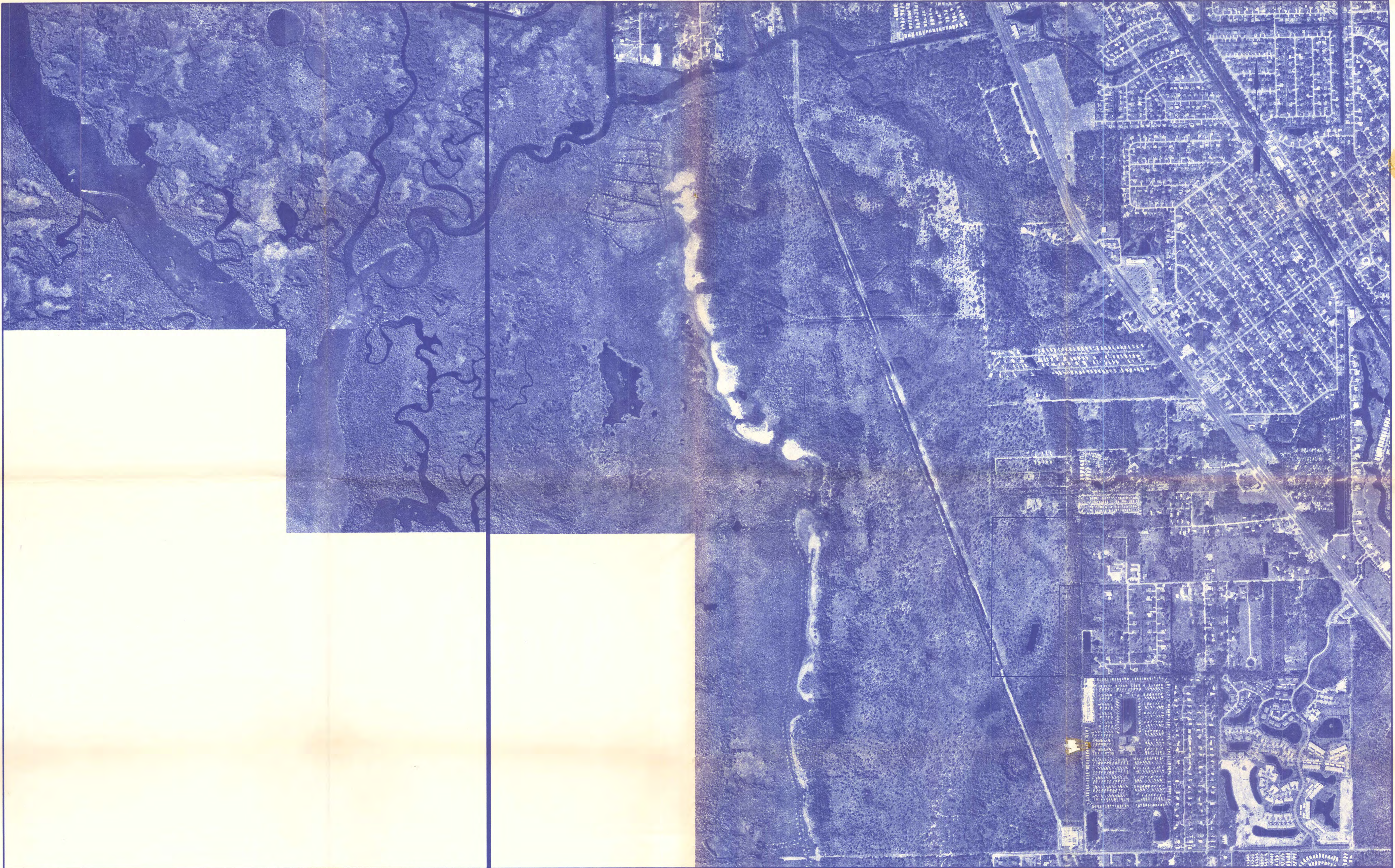
SCALE 1" = 300'      CONTOUR INTERVAL 1'

DATE OF PHOTOGRAPHY 6 NOV 80  
DATE OF MAPPING SEPT. 81

**LEE COUNTY**  
**FLORIDA**

SECTION 20 T 46 S R 25 E





NOTE: AERIAL IS TO AN APPROXIMATE SCALE OF 1" = 600'  
NOTE: AERIAL FLOWN DATE: FEBRUARY, 1998

OWNER/DEVELOPER

Revision	Date	Description	By

PRINTED

SEP 26 2002  
Q. GRADY MINOR & ASSOCIATES, P.A.  
CIVIL ENGINEERS • LAND SURVEYORS

DESIGNED BY: SJU  
DRAWN BY: SJU  
APPROVED: QGM  
JOB CODE: E60CP  
SCALE: 1" = 600'

 Q. GRADY MINOR AND ASSOCIATES, P.A.  
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SURVEYING CERTIFICATE OF AUTHORIZATION LB 0005151

ESTERO 60 ACRES

DATE: DECEMBER 2001	FILE NAME: BAYAERI	DRAWING NUMBER 1 OF 1
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