

MINUTES REPORT
LOCAL PLANNING AGENCY
August 26, 2013

MEMBERS PRESENT:

Noel Andress
Steve Brodtkin
Wayne Daltry
Jim Green (Chair)

Mitch Hutchcraft
Ann Pierce (Vice Chair)
Roger Strelow

STAFF PRESENT:

Donna Marie Collins, Chief Asst. Cty. Atty.
Janet Miller, Recording Secretary

Matt Noble, Planning
Paul O'Connor, Planning Director

Agenda Item 1 – Call to Order, Certificate of Affidavit of Publication

Mr. Green, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

Ms. Collins, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

Agenda Item 2 - Pledge of Allegiance

Agenda Item 3 – Public Forum - None

Mr. Green announced that approval of the May 20, 2013, June 24, 2013, and July 22, 2013 meeting minutes would be deferred to the end of the meeting.

Agenda Item 5 – 2013 Regular Lee Plan Amendment Cycle

A. CPA2012-00001 – River Hall Amendment

Mr. Noble gave a brief overview of the staff report and recommendations.

The applicant reviewed their project with a PowerPoint presentation (attached), which was presented by Russell Schropp (Henderson Franklin Law Firm), Grady Miars (Greenpoint), Dave Depew (Morris Depew and Associates), and Steve Leung from David Plummer and Associates (Transportation Consultant).

During Mr. Depew's portion of the presentation, various questions were posed by the Local Planning Agency in between the presentation.

Mr. Andress stated that over 100 million dollars had been invested in this project based on the number of units already approved. He did not understand why they needed an additional 1,000 units in order to make it economically viable and that he did not see any justification for it in the documentation provided to the Local Planning Agency as part of their meeting packet.

Mr. Miars stated the justification would be outlined as part of today's presentation. He noted that the initial 100 million dollars is gone as it was discharged as part of the bankruptcy. The next incremental 20 million dollars was used to stabilize the project. The new owners decided to buy down the CDD and to buy the additional lots to be able to preserve the long term purchase of the project. He felt the intention of the project never changed. It was always set up from an infrastructure and lifestyle perspective to be developed in the pattern being presented today.

Mr. Brodtkin stated that when the property was purchased in 2010, the owners knew the history as to what the market was and the economy. From his understanding, the property was purchased at a good price. When it was purchased, the owners must have believed they could make a profit under the current plan, otherwise, they would not have purchased the property. They also would have been aware that the increased density for this site was rejected twice before. If it was purchased at a good price and it was believed it would be a profitable venture, he did not understand the justification for an additional 1,000 units.

Mr. Miars felt it would be best explained with viewing the rest of the presentation.

Mr. Daltry asked how many acres are not currently owned by River Hall out of the 1978 acres.

Mr. Miars did not have that figure.

Mr. Daltry asked if this current project is subjected to or governed by in part Interstate Land Sale requirements of the US HUD.

Mr. Miars stated they were.

Mr. Daltry asked if other corporations were covered in this physical 1978 acres that are relevant to this proposal.

Mr. Schropp stated that Mr. Depew would address the ownership on a particular slide in the presentation. There are several corporate entities that own part of the vacant lands that are within River Hall that fall under the umbrella of Greenpoint Communities. There are also the roadways that are controlled by the Home Owner Associations and those are included as part of the amendment as well and the CDD which is part of today's presentation.

Mr. Green asked if there are entities that own significant amounts of land within the 1978 acres that Greenpoint does not represent.

Mr. Schropp stated the future land use map amendment area is covered by Greenpoint. There are significant areas of land in River Hall that are not part of this plan amendment request, which will be part of Mr. Depew's presentation. At this point, Mr. Depew continued with his presentation.

When Mr. Depew was discussing infrastructure, Mr. Daltry asked if the infrastructure was in place or planned to be in place.

Mr. Depew stated the infrastructure was partially there. It basically goes to where the road ends and is sized as if this same development pattern will be continued on the south meaning south of Hampton Lakes and south of the Country Club in the same fashion as it was in the beginning. The utilities infrastructure and lift stations have been designed. The drainage is in place. There is an irrigation system that can be hooked into reuse water. The road is not currently in place.

Ms. Pierce asked for clarification on the percentage of residences that are multi-family.

Mr. Depew stated 10% of the approved development units for the zoning are multi-family.

Mr. Miars further clarified that the only multi-family is upfront at the commercial or in River Hall Country Club. Cascades and Hampton Lakes are only single family.

Mr. Depew continued with the presentation.

Mr. Daltry asked if there were homes built that were unoccupied.

Mr. Depew stated most of the structures built are occupied. However, there are a large number of platted lots that are not built on and are unoccupied.

Mr. Miars agreed with Mr. Depew's statement and also noted there were also a few spec homes that are built and unoccupied, the balance of which are vacant developed lots. The spec homes are not a significant number.

Mr. Depew continued his presentation.

Mr. Brodtkin referred to references of this being "Suburban Infill." He noted that land immediately to the north of the bulk of the property is Rural and the land to the east is the Preserve. To him, it seemed to be more of an extension of this urban boundary as opposed to an infill project because you only have higher densities on two sides and not 3 or 4.

Mr. Depew stated he disagreed with that interpretation because, if you look at the geometry of the development itself, it becomes a transition project that goes between the Suburban and Outlying Suburban that exists to the west. More intense Commercial exists to the north and northwest, the preserve area exists to the east of the subject property, and the AG property exists directly north. He pointed to a specific region on a map and discussed the surrounding development noting that Lehigh Acres is to the south. Other developments, such as Portico, are on the west of this property. This property itself has already been approved and laid out as a Suburban Golf Course Community. He did not feel there was anything Rural about the property as there is no agriculture, no farming, and no horseback riding. It is a Suburban subdivision similar to Estero or Bonita.

Mr. Brodtkin asked if it should be considered a Rural subdivision as a matter of the current land use designations and because it is a Rural land use.

Mr. Depew conceded that under the planned designation it is Rural, but he did not feel it met the definition of Rural because it is not a development that you would normally anticipate to find in a Rural designation. It is a Suburban development not a Rural development.

Mr. Brodtkin stated he disagreed and noted that he had received a lot of letters from residents indicating they felt they were sold their property as a Rural Golf Course Development as opposed to a Suburban Golf Course Development. Since two sides of this project is surrounded by development that is not an Urban category, he did not see how this could be considered an infill project.

Mr. Depew pointed to the development to the south, west, and north of the property. He felt this was a transition development. The proposal is about a density and use that transitions from the development that is south and west of it to the more Rural activity to the north and the preserve activity to the east.

Ms. Pierce stated she did not feel “transition” is the same as “Suburban Infill.” She noted that “infill” typically means lots that are vacant that have been passed over in urbanization.

Mr. Depew stated this development is both and that it would be outlined better when he gets to that particular slide in his presentation. This project consists of approximately 1,900 platted lots that are already there. Those lots will not be replatted. The Golf Course, road, and drainage layouts are completed. There are approximately 94 lots left for over 300 acres and the lot layouts are such that they are all about 130 feet deep. You end up with either broad areas on the south side of this that will be vacant and empty or you will have some weird lots that are wider than they are deep. He believed the County will end up with whole swaths of the south part of this development completely blank and vacant, which is why he felt it was “infill.” This proposal entails utilizing that existing development layout in a more efficient fashion to put in the kind of lot and development that are consistent with what is already developed throughout that project. The project was laid out for 2999 units and is developed that way.

Ms. Pierce felt it was cavalier of the developers to lay it out for nearly 3,000 lots when they have only been approved for 2,000 and she was still in disagreement of this being considered “infill.”

Mr. Daltry reminded the Board, as a point of order, that we were in the “question mode” not the “discussion mode.”

Mr. Andress asked why the developer did not look at another development type such as estate size lots, which there will be a demand for in the future and you cannot find that type of development anywhere in the Country.

Mr. Depew stated that at this point all the infrastructure is in place on the platted lots and they only have 94 lots left.

Mr. Andress stated they might want to look into redistributing some of their existing density.

Mr. Depew stated that would mean changing the Golf Course and all the tracts that have been previously platted. It is not their preference to change the existing design. He referred to Ms. Pierce’s comment about the developers being cavalier to design the project for 3,000 lots when they were only approved for 2,000 lots. While this statement may be true, the original developers are no longer involved with the project. Although Mr. Miars was involved in the project from the beginning, he now represents a different owner, company, and developer.

Mr. Strelow stated that although the property is designated in the Plan as Rural, the layout is distinctly Suburban not Rural. He felt it was a “boot strap” to layout property in a way that does not conform with the designated use under the Plan and then say that because it is laid out that way we should be allowed to develop it in a way that requires a plan amendment.

Mr. Depew gave the history of how this evolved into what is being presented today.

In regards to Mr. Depew’s explanation, Mr. Strelow felt it was clear that the developer proceeded with a proposal that was inconsistent with the Plan based on a hope that eventually, despite earlier denials by the Board of County Commissioners, there would be approval of this new proposal.

Mr. Depew stated that was correct. He continued with his PowerPoint presentation.

Mr. Brodtkin asked if the trail that is going to go across the northern part of the property over to the Mitigation Park was part of the current plan or if it was something new.

Mr. Depew stated it was new and not part of the current zoning approval.

Mr. Miars stated that Greenpoint owned that property. He noted there was an FP&L easement on it. It was always the developer's plan to have a path. What is new is the connection to Hickeys Creek Mitigation Park, the extension further back to the west, as well as a loop that Mr. Depew is referring to. The developer is donating it to Lee County so that it becomes more of a complete system instead of just a pedestrian access.

Mr. Depew further clarified that in the original plan it was going to be a pedestrian trail. Currently, it is going to be used as a bicycle/pedestrian/multi-use path.

Ms. Pierce referred to comments about connecting the path to Hickeys Creek. She noted there was a canal on the eastern portion and asked if the developer was planning to put a bridge over it.

Mr. Depew stated they would like to do that and were in discussions with Parks and Recreation staff as to whether or not this is going to be an access point over there. Parks and Recreation staff have expressed concern over having another control point accessing the Mitigation Park, so this is still being worked out.

Ms. Pierce asked if this multi-use path would be paved and, if so, with what.

Mr. Depew stated it would be paved. They are currently looking at asphalt, but if there is something else that would make more sense, the developer might consider using a different material. Due to another question by Ms. Pierce, Mr. Depew stated it would be an 8 foot wide hard surface.

Mr. Noble stated there was an existing structure that crosses that canal that is used as maintenance for the power lines. He noted it could accommodate foot traffic. Mr. Noble pointed out that this path is already approved on the Lee County Long Range Plan. It is a named path that will ultimately connect Lee County with Hendry County. This relates to Map 22 of the Lee Plan.

Mr. Depew continued with his presentation.

Due to a question by Mr. Daltry, Mr. Depew stated it was true that they were seeking more lots because they ran out of lots before running out of space.

Mr. Green asked for clarity that this Comprehensive Plan Amendment had a total density of 3,600 units in River Hall.

Mr. Noble stated that the Comprehensive Plan Amendment would allow up to two (2) units per acre, which is more or less 3,600 units in River Hall. He also noted that the Florida Statutes have been amended in which companion zoning cases can be taken into account in the review of the case because it is concurrent. He referred to comments during Mr. Depew's presentation where he mentioned half units an acre. This is what the zoning would allow that is traveling with this request.

Mr. Daltry referred to Mr. Noble's comment that the Local Planning Agency may take into account the zoning case since it is running concurrent with this Comprehensive Plan Amendment. He asked if the zoning information was included as part of the meeting packet for today's meeting.

Mr. Noble stated the zoning information was provided in the applicant's submittal and in the staff report as to the density that is being requested.

Mr. Daltry stated that a lot of issues being expressed today are in the design and the densities per specific spots, so it would be easier for the Local Planning Agency members in the future to receive an electronic file of the zoning case. He recommended this for future cases that involve both a Comprehensive Plan Amendment and a concurrent Zoning case.

Mr. Depew continued his presentation.

Mr. Brodtkin asked about the trail that runs from the River Hall property over to Buckingham Road. He asked if it was currently in existence.

Mr. Depew stated it is part of the FP&L power line easement. He noted they were working with the County to get through either the power line easement or connect up with one of the public streets that goes through one of those subdivisions. He showed them on the PowerPoint slide and continued with his presentation.

Mr. Andress asked if the Lee County plant currently had the capacity to take on 1,000 additional units.

Mr. Depew stated the plant could accommodate the additional units and noted they had included in the packet the Letters of Availability.

Mr. Daltry asked what the average size of the lots were for the ones that were platted.

Mr. Miars stated that the lots in the Cascades start at 47 feet, which is in the active adult community. The lots in Hampton Lakes start at 50 feet wide and in River Hall Country Club they start at 55 feet wide. He noted that nothing in the new proposal changes any of that.

Ms. Pierce asked how the clustering would take place if the lot size is not changing from what existed.

Mr. Depew stated the clustering would take place by not spreading 94 units over 387 acres.

At this point, Mr. Steve Leung from David Plummer and Associates (Transportation Consultant) handled the traffic portion of the presentation.

Mr. Brodtkin referred to a comment by Mr. Leung that the road would fail without or without this amendment for 1,000 additional units. He asked if the developer would be required to pay some proportionate share to that road improvement since they will be adding a certain amount of traffic onto that road.

Mr. Leung stated they would be required to pay some proportionate share and that this would be handled as part of the Zoning application.

Mr. Daltry referred to comments by Mr. Leung regarding the MPO Long Range Financially Feasible Plan and the fact that the intent is that the Financially Feasible Plan forecast is the basis for the analysis. He asked if the Long Range Financially Feasible Plan included impact fees for Lee County.

Mr. Depew stated it did include impact fees.

Mr. Daltry asked what the conclusion would be if there were no impact fees for Lee County.

Mr. Depew stated the same improvements are needed regardless.

Mr. Daltry asked if State Road 31 and Buckingham Road were considered as a “Constrained Facility” per Lee County Policy 37.2.2.

Mr. Depew stated it could be considered as a “Constrained Facility.” As the MPO and the County prioritizes as to what improvements to make, that will be one of the considerations that they would look at as a need. They will also look at the timing and what would be best for the local planning area.

Mr. Daltry noted there was a current list of Constrained Facilities and he asked if either of these roads was on that list.

Mr. Getch believed Mr. Daltry was referring to Table 2A of the Comprehensive Plan, which is a list of Constrained Roads. He noted that neither road is currently on that list.

Mr. Daltry asked if the expectation was that the roads will be widened when the traffic increases.

Mr. Getch stated both of those roads can be widened.

Mr. Daltry felt that even though Buckingham Road will fail with or without this amendment, the addition of 1,000 units would increase the timing of failure.

Mr. Depew stated that could potentially be correct. However, he noted the applicant of this project is an active participant to fulfill the County’s plans. He referred to an earlier comment as to why these road improvements were not reviewed in 2005. Although he cannot answer that question, there will be additional impact fees available due to the 1,000 additional units. This could mean approximately six to eight million additional dollars that can be put towards these intersection improvements that have probably been needed for the last 10 years.

Ms. Pierce asked Mr. Getch about the percentage of the Cost Feasibility Plan that is currently not funded. Her recollection was that well over 50% of it had no funding.

Mr. Getch explained that the MPO’s Long Range Transportation Plan has two components. There is an overall “Needs” Plan. Within the Needs Plan, based on revenues, what we can afford is evaluated. The highway deficiencies and the Needs Plan are approximately 2.9 billion. The overall projects funded in the Feasibility Plan are approximately 1 billion, so it is true that the majority of the needs are not in the Feasibility Plan.

Mr. Daltry asked if there was an estimated traffic count of the southern entrance of buildout or any time before.

Mr. Depew stated there was no traffic count because there is no access. However, as part of the assessment, they did allocate some traffic to that end. They tried to establish the worst case conditions, which is to lower 90% of the traffic of Estero 80. The number there is less than 50 vehicles.

At this point, Mr. Schropp briefly summarized and concluded the presentation. He submitted a hard copy of the PowerPoint as a point of record to the Clerk.

Mr. Strelow discussed the term “Overriding Public Necessity” and noted that in 2009 the Board of County Commissioners approved a text amendment to the Comprehensive Plan prohibiting future amendments that would increase density in this specific area without a finding of overriding public necessity. He noted that although their proposal mentions public benefits such as open space, trails, and other activities to counter balance the population growth for the area, he questioned whether their attempt to define “public necessity” was to simply point out some of the public benefits. To him, this would not qualify for what the Commission had intended. Although there is no precise definition of “overriding public necessity,” in general, it is usually defined by courts across the country as meaning “there is no reasonable alternative to meet a public demand” not just a public interest or a public benefit. As far as necessity, he did not feel it would be critical to the County or the area for 1,000 additional units to be placed in this particular location. He asked why they feel that some public benefits meet the definition of “overriding public necessity.”

Mr. Schropp stated that since there is no definition for “overriding public necessity,” they met with staff on what this might mean in the context of the present request for a plan amendment. Without a definition to rely on, they centered the discussion on the goals, objectives, and policy directives of the Caloosahatchee Shores Plan and the Lee Plan in general that could be facilitated and achieved by this project. The only other alternative interpretation or definition is that there has to be some overriding public necessity for the additional density to be provided in the Lee Plan or Caloosahatchee Shores area. Both the applicant and Planning staff discounted the alternate interpretation because the plan not only needs to discourage development when it is not feasible but it needs to be used to facilitate achievement of goals, objectives, and policies that are contained within the Plan. When it comes to population growth, he felt it was better to have it accommodated in a project where the development footprint is already established and has infrastructure in place as opposed to place it in other areas within East Lee County that does not have the public infrastructure.

Mr. Strelow stated there are many areas in the County that are zoned for Urban or Suburban, unlike this proposed location. He felt the whole point of a Comprehensive Plan is to channel residential development into those areas and noted we have plenty of those areas left. To him, the word “necessity” would mean that we should not disperse or scatter development unless we have no other way to accommodate the development. Since we do have Urban areas that have many gaps in them as well as untapped Suburban areas, he felt there was an absence of necessity here.

Mr. Schropp stated that although he appreciated the comment and opinion, this was not the interpretation they wanted to encourage.

Mr. Brodtkin referred to Page 14 of the staff report where it states there is no need for the additional dwelling units being requested. He noted it also points out all of the areas that are undeveloped at this time and parts of the county that can accommodate population growth without this change. In addition, “overriding public necessity” was placed in the plan because of two applications being brought forward in the past for increased density. The community was not supportive of it. He felt everyone should know what “overriding public necessity” means because it was put in the Plan to prevent this type of request.

Mr. Schropp disagreed with those statements.

Mr. Address asked if any meetings were held with the HOA of the existing residents. If they were held, he asked what kind of input was received.

Mr. Schropp indicated that meetings were held. Some of the input was favorable and some were opposed. He noted from the developer's perspective this represents the best opportunity for the project to recover and to move forward in an economically sufficient manner not only to allow the recovery of the existing residences but to also move forward.

Ms. Pierce stated she read the minutes to the community meetings, but there was no indication of how many residents attended. The minutes were brief, so they did not outline what took place in those meetings or what kind of percentage of the current homeowners attended.

Mr. Miars stated the first meeting was held in September. There was subsequently a meeting in January. Approximately 100 people attended, so the meetings were well attended. As far as the input received, he noted they received a variety of opinions.

The Local Planning Agency took a break before allowing public comment at 9:50 a.m. and reconvened at 10:00 a.m.

At this point, the Chair opened this item for public comment. The following parties spoke in opposition to this project and the letters provided to the Clerk by the public during the public comment portion are attached: Jill Seal (representing Skip Seal), Sheila Thornberry (speaking on behalf of Michelle Holcolm, Joern Erdmarn, Peter Manhoff), Roger Thornberry, Joseph Lundquist, Sandra Migliore (representing herself and her husband, Tom), Georgette Lundquist (representing herself and Don Frank), Raymond Seals, Karen Asfour, Rosalie Prestarri, Janet Tripp, Jim Giedeman, Steve Shattler (Florida Fish and Wildlife), Annisa Karin (Parks and Recreation), Connie Dennis, Ruby Daniels, Edward Kimball, and Julianne Thomas (Conservancy of SW FL).

Mr. Shattler from Florida Fish and Wildlife expressed that his group was not in favor of access to Hickey Creek Mitigation Park. The trail and specifically the connection into Hickey Creek would not be something they will be supportive of.

Ms. Karin from Parks and Recreation read a letter for the record expressing Parks and Recreation's concerns with this project. Those concerns were mainly dealing with the trail and access to the Mitigation Park, maintenance, and security issues.

Mr. Green asked why Parks and Recreation's comments were not part of the staff report.

Mr. Noble stated he had conversations with Jason Lamey and Cathy Olson, but the issues discussed by Ms. Karin had not come up. He noted the County had been planning a Greenways Trail in this location for six years. He did not agree with comments that a Trailhead Park is a Neighborhood Park stating that if this were true we would not have any Trailhead Parks such as the one under construction in Lehigh. He stated that if we are going to support a Walking Trail/Greenways Program, we are going to need Trailhead Parks. Those types of facilities are needed to get people to the trails, allow people to go to the restroom, park their vehicles, and take their bikes off their car. He further stated that the maintenance would not be subject to Lee County. It would be part of the maintenance of the subdivision through the CDD. Additional construction funds could be sought through our regular MPO programming. One of the typical limitations in those processes is not having the actual property in hand to put in the Trailhead Park and not having the right-of-way. In this case, the developer has the land. The application shows that they have a license with FP&L to use the easement area. Although he understood comments from the public, he noted that the trail was never proposed by the applicant to go all the way to Buckingham Road. It is almost four miles of a planned trailhead that is currently in the Lee Plan.

Ms. Karin wanted to clarify that Parks and Recreation staff understands that currently the multimodal trail is not planned to enter Hickeys Creek, but noted there have been numerous references that this could be a possibility in the future. Currently, they have high security issues on the western boundary especially at the FP&L easement. There is an unsafe crossing across the East County Water Control District conveyance. For these reasons, Parks and Recreation wanted their comments submitted for the record.

Further public comment was received from Connie Dennis, Ruby Daniels, Edward Kimball, Julianne Thomas (Conservancy of SW FL).

No members of the public spoke in favor of the project.

Mr. Hutchcraft left the meeting at this juncture at 12:00 noon.

Mr. Green asked if the applicant wished to respond.

Mr. Schropp referred to statements by Florida Fish and Wildlife and Parks and Recreation and noted that the trail will be constructed to the extent it is desired by Lee County. If it is not desired that the trail get to the end of the property into Hickeys Creek Mitigation Park, then the Developer will certainly work with the County on where the trail should begin and end. To him, it seemed as if the trail would be an asset for a number of reasons and moves in the direction of fulfilling the County's objectives in the Lee Plan.

Mr. Daltry asked if there was a credit against Park Impact Fees.

Mr. Schropp stated that no impact fee credits are provided for as part of the Draft Development Agreement, nor were they seeking any.

Mr. Green stated that as a realtor, he had some information that might be helpful. The Verandah is doing very well. In addition to their home sales, they have had over 50 re-sales in the last six months. River Hall has only had about 5. The Verandah has gone through many transitions and was previously owned by Bonita Bay. They have been bought out by Kolter who have done a great job with the project by putting in a second coat of black top on the roads, putting in a new sales center with new models out in front, installed a new Olympic pool, as well as other things and their sales are an indication of this. In general, he noted that real estate in east Lee County is doing well. Alva prices and sales are increasing. The Verandah's sales are increasing. The Cascades is doing modestly well. He struggled with the economic viability of this project and did not understand why the current owner could not do what everyone else in the neighborhood is doing. As far as he is concerned, the economic viability issue should be off the table.

Due to a question by Mr. Daltry, Ms. Collins stated the Local Planning Agency's motion will be to either recommend transmittal or non-transmittal to the Board of County Commissioners. The Local Planning Agency may add some commentary to go along with their recommendation if they so choose.

Mr. Brodtkin stated he found staff's recommendations very disappointing in their interpretation of "overriding public necessity." It seemed to set an extremely low bar making the term almost meaningless. To him, staff's recommendation showed a disregard for the residents of River Hall and the Caloosahatchee Shores Community Plan, all community planning, and the whole EAR process that is taking place as part of the 2035 Plan, which is for the purposes of protecting Rural lands and to distinguish them.

Mr. Andress stated this subdivision could be successful if marketed properly. He felt the developer knew what they were buying when they purchased this property. He did not agree with staff disregarding all of the community plans in the County for the benefit of a developer. **He made a motion that the Local Planning Agency recommend that CPA2012-00001 River Hall Amendment not be transmitted, seconded by Mr. Strelow.**

Ms. Pierce stated she wanted the Local Planning Agency's discussion, reasoning, and vote to be sent to the Board of County Commissioners. She did not feel this project should have been brought forward to begin with as it is a project that is simply for the benefit of an individual private organization that somehow feels the public owes them or guarantees them a profit or an even greater profit. She noted that the Constitution did something that was never done before which was to guarantee the assembly of rights of citizens to come together as a body politic to make a set of laws, rules, and regulations by which they would govern themselves and their communities. To her, this project undermines the basic concept and principal of the democratic process.

Mr. Andress stated he would like to see Ms. Pierce's comments written out so that the Board of County Commissioners will understand the reason behind the Local Planning Agency's vote.

Mr. Brodtkin felt the motion should be amended to add: 1) The Local Planning Agency finds there is no "overriding public necessity" for the land use change; and 2) the proposed amendment substantially alters the character of the Rural subdivision.

The motioner and seconder agreed to the amendment.

Mr. Daltry referred to his earlier questions on how big the lots were. Due to the size of the lots (11,000-12,000 square feet), he noted that every lot uses up an acre. The developer already platted those lots. You cannot double count the wetlands in a planning application if you already allocated density based on each lot that was platted. By platting small lots, it means more open space and that it can be sold as an open space project. It will be 1,000 more units of traffic artificially constrained to a terrible transportation network. He felt they "drank the milkshake already" since the lots have already been platted.

Mr. Strelow stated there had been a reference made today to a State Statute definition for "Overriding Public Necessity" that he felt should be included to demonstrate that it is a very high bar and that the proposed project does not meet this definition.

Mr. Green stated the staff recommendation for today's case was inconsistent with their great work over the past five years, the work being done as part of the EAR process, the current Comprehensive Plan, and their well done staff report. He cautioned that if staff does not stand up for what they believe in, the need for them will be diminished.

The motion was called and passed 6-0. Mr. Hutchcraft was absent for this vote.

Agenda Item 3 – Approval of 5-20-13, 6-24-13, and 7-22-13 Meeting Minutes

Mr. Daltry made a motion to approve the May 20, 2013, June 24, 2013, and July 22, 2013 Local Planning Agency meeting minutes, seconded by Mr. Strelow. The motion was called and passed 6-0.

Agenda Item 6 – Other Business

New Chief Hearing Examiner Post

Mr. Andress thanked Ms. Collins for all her work on the Local Planning Agency over the years. He congratulated her on her new post as Chief Hearing Examiner and wished her the best as did the other members.

Mr. Daltry made a motion that a Resolution of Appreciation be prepared, seconded by Mr. Andress. The motion was called and passed 6-0.

Agenda Item 7 – Adjournment

Mr. O'Connor noted staff would be taking a poll of the members for the November and December Local Planning Agency meetings. Because of the Thanksgivings Day and Christmas holidays, staff would like to combine the two meetings and meet in early December as opposed to November 25th and December 23rd. Due to the EAR elements and other amendments, staff anticipated the need for an all day session.

The next Local Planning Agency meeting is scheduled for Monday, September 23, 2013, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 12:40 p.m.

River Hall Comprehensive Plan Amendment

Map and Text Amendments CPA2012-00001



Lee County Local Planning Agency
August, 2013

Professional Consultants



Russell Schropp, Esq

Henderson, Franklin, Starnes, & Holt, PA



Tina M. Ekblad, MPA, AICP, LEED AP

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David W. Depew, PhD, AICP, LEED AP

Morris-Depew Associates, Inc.



Carl Barraco, PE

Barraco and Associates, Inc.



Kenneth Passarella

Passarella and Associates, Inc.



Stephen Leung

David Plummer and Associates, Inc.

Surrounding Development



River Hall - CPA2012-00001

Grady Miars

**GREENPOINTE
COMMUNITIES, LLC**

River Hall - CPA2012-00001

4

River Hall

- Community opened for sales in 2006
- During the global downturn, home sales slowed
- Original developer filed bankruptcy
- Current owner purchased River Hall in 2010
- Maintained the amenities and golf course during bankruptcy
- Invested \$20+ million in stabilizing the River Hall Community
- Retired debt

River Hall - CPA2012-00001

5

GreenPointe Communities, LLC

- Founded in 2008; homebuilder since 2010
- Acquires, creates, and transforms residential and mixed-use communities
- Focused on creating neighborhoods with lasting and sustainable value
- New Company with former land manager
- In addition to **River Hall**, developing **Southern Hills, Triple Creek, Belmont**, and 5 more



River Hall - CPA2012-00001

6

GreenPointe Communities, LLC

- Committed to revitalizing the River Hall Community
- GreenPointe Homes will construct additional residential units
- Development order has been received to construct a permanent cart barn
- New home construction anticipated to begin later this year



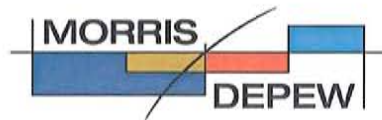
Southern Hills
PLANTATION CLUB

River Hall - CPA2012-00001

7

David W. Depew, PhD, AICP, LEED AP

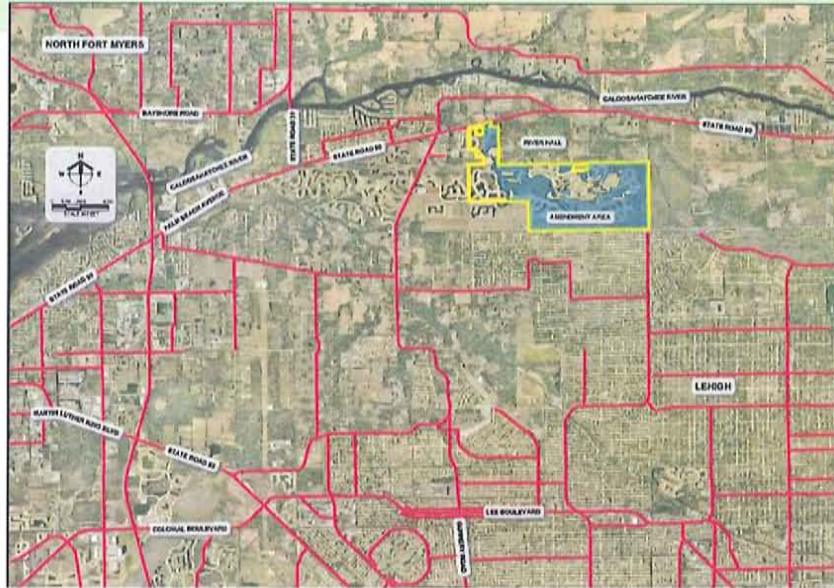
CPA2012-01: RIVER HALL



River Hall - CPA2012-00001

8

Location Map



River Hall - CPA2012-00001

9

River Hall



Applicant: GreenPointe Communities, LLC

Location: South side of SR 80, east/adjacent to Portico

River Hall - CPA2012-00001

10

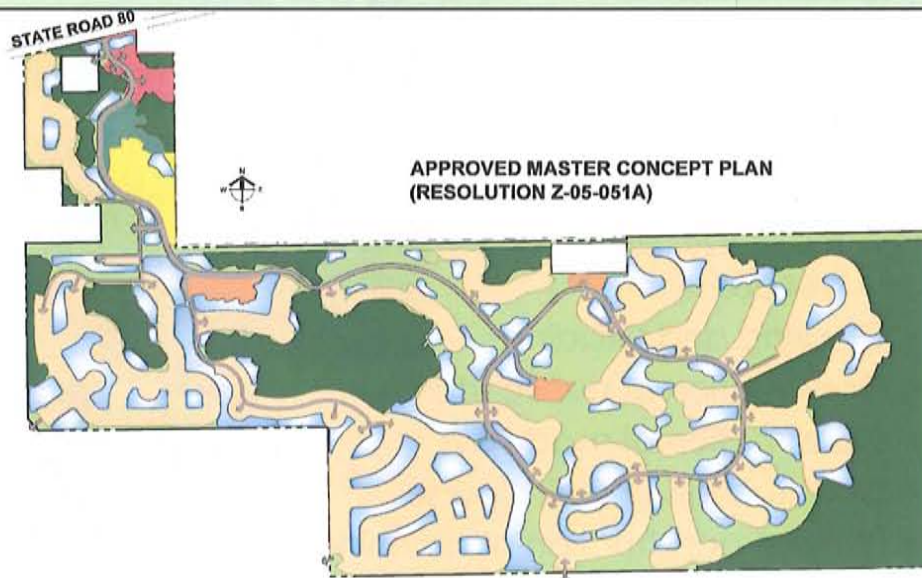
River Hall

- 1,978 acre master planned community
- CPA 2005-00007 requested 2,999 units
- Subsequent zoning requested
- Z-05-051 approved 1,999 units
- Development plan accommodated 2,999 units
 - consistent with current neighborhoods
 - Proposed amenities and utilities included adequate capacity

River Hall - CPA2012-00001

13

Existing Development Plan - River Hall



River Hall - CPA2012-00001

14

Proposed Development Plan



River Hall - CPA2012-00001

15

Existing Conditions

- Approved by Z-05-051
 - 1,999 dwelling units
 - 45,000 SF Commercial Uses
 - Fire Station
 - Elementary School
 - Golf Course
- Clearing and Grading
- Construction of public utilities
- Construction of roadways
- Construction of Golf Course
- Phase 1 construction of amenities



River Hall - CPA2012-00001

16

Existing Conditions

- Existing Communities
 - Cascades at River Hall
 - Active Adult Housing
 - Hampton Lakes at River Hall
 - Family Oriented Housing
 - Variety of Housing Types
 - River Hall Country Club
 - Amenity based
 - Predominately single family
- Multi generational community
- Wide range of housing options



River Hall - CPA2012-00001

17

Existing Conditions

Development Orders:

- River Hall Elementary
 - 2005-00233
 - 1,000 student elementary school & infrastructure
- Cascades at River Hall
 - 2004-00248 & 2004-00266
 - 575 lots, infrastructure and sales
- Hampton Lakes at River Hall
 - 2004-00305 & 2005-00156 & 2006-00042
 - Phase 1: amenity center and sales center
 - Phase 2: 404 lots and sales
- River Hall Country Club
 - 2004-00330 & 2005-00182
 - Phase 1 Golf Course and infrastructure, 289 lots, 102 condo units, amenity center
 - Phase 2 456 lots, 36 condo units, supporting infrastructure

River Hall - CPA2012-00001

18

Existing Conditions

- Constructed:
 - River Hall Country Club
 - 132 occupied homes
 - 18 hole golf course
 - Phase 1 Clubhouse
 - Hampton Lakes
 - 70 occupied homes
 - Phase 1 Town Hall
 - Cascades
 - 122 occupied homes
 - Infrastructure
 - Stormwater management system
 - Primary roadway and access
 - Utilities, on & off site



River Hall - CPA2012-00001

19

Purpose of Amendment

- Revitalize the River Hall Community
- Proposed Request
 - Assist with the repair of property values
 - Providing economic viability to the community
- Existing Infrastructure and Site Plan
 - Robust design, greater than original approvals
 - Additional units necessary for efficient utilization of site
 - Suburban infill
- Community will positively respond to market demands

River Hall - CPA2012-00001

20

River Hall Amendment Requests

Text Amendment

- Policy 5.1.10
 - 2 or more FLU Categories may sum density
 - Density from Conservation Uplands transfers at rate of adjacent developable land
- Table 1b
 - Reallocate residential acreage to support request

Map Amendment

- Transfer 1,287 acres
 - from Rural and Wetland
 - to Sub-Outlying Suburban and Conservation

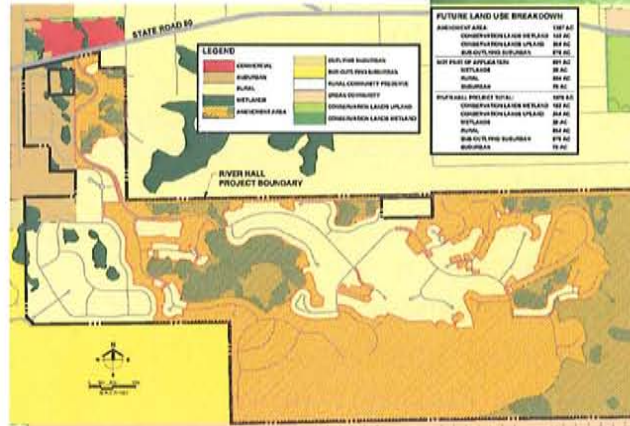
Staff Modifications to Applicant's Request

- POLICY 5.1.11: Property that is outside of the Coastal High Hazard Area, may receive density from lands that are designated to the Conservation Lands future land use category through a privately initiated amendment. The use of any density that is generated from this policy must be approved through the Planned Development zoning process and be used on the same property as the privately initiated amendment. Density from the Conservation Lands will be calculated at the same rate as the uplands immediately adjacent to the non-Conservation Lands within the planned development. A conservation easement, dedicated to the county, must be granted by the owner of the Conservation Lands. This easement must assign maintenance responsibility to a property owners' association, community development district, or similar acceptable entity. The conservation easement must be recorded prior to issuance of a development permit authorizing construction of the additional dwelling units generated from the Conservation Lands.

Text Amendment

New Policy Language:

- Unified Control
- Multiple Future Land Use Categories
- Planned Development
- Densities may be summed



River Hall - CPA2012-00001

23

Text Amendment

- Table 1b
 - Transfer 119 acres of Rural
 - 486 acres Sub-Outlying Suburban
 - 264 acres Conservation Uplands
 - 153 acres Conservation Wetlands

Future Land Use Category	Remaining Acreage	Proposed Acreage	Change
Sub-Outlying Suburban	367	486	+119
Rural	1,061	942	-119
Conservation Lands – Upland	0	264	+264
Conservation Lands – Wetland	0	153	+153

River Hall - CPA2012-00001

24

Map Amendment

- Future Land Use Map
 - Transfer 1,287 acres of Rural and Wetlands
 - 870 acres Sub-Outlying Suburban
 - 264 acres Conservation Uplands
 - 153 acres Conservation Wetlands
- Sub-Outlying Suburban Category reflects existing Suburban development pattern
- Request updates the existing development
- Irregular pattern due to ownership patterns and application requirements

River Hall - CPA2012-00001

25

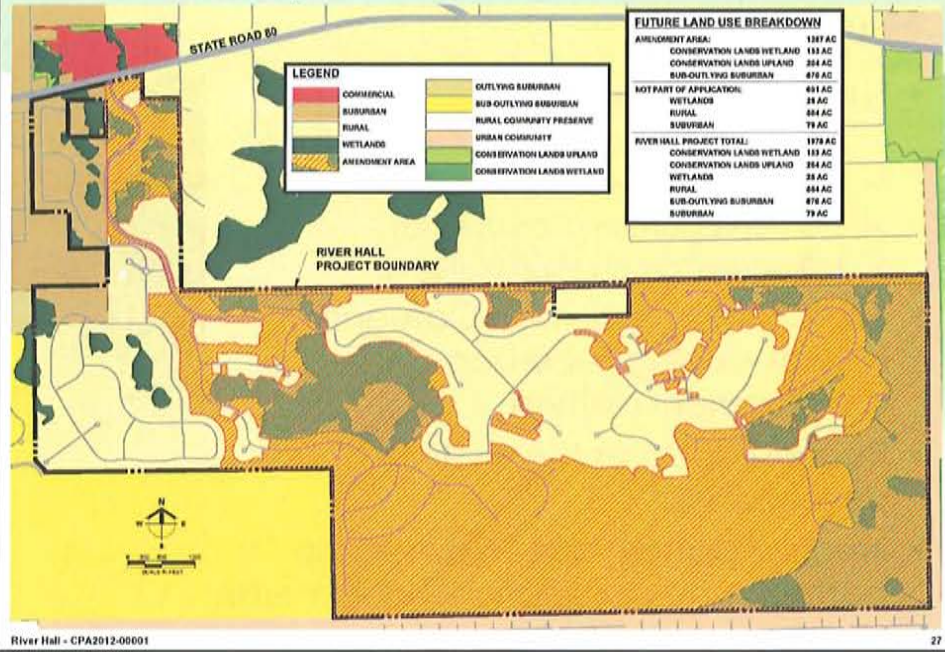
Map Amendment

- Policy 1.4.1 Rural
 - Remain low density residential
 - Not programmed for urban-type capital improvements
 - Maximum density is 1 du per acre
- Request
 - Existing development plan Suburban
 - Density increase is .5 du per acre
 - Capital Improvements already provided
 - Addresses population growth without a loss to agricultural lands, open space, or conservation areas

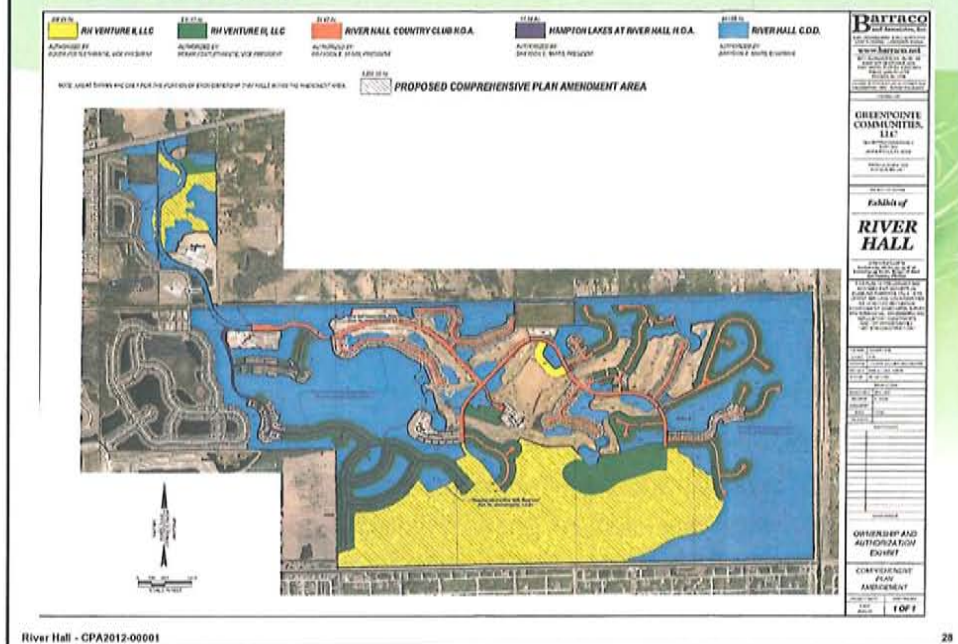
River Hall - CPA2012-00001

26

River Hall Comprehensive Plan Amendment



Ownership Map



Conservation Lands

- Policy 1.4.6
 - Shown as separate categories
 - All public lands required for conservation purposes
 - Includes wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks
- Objective 1.5
 - Lands identified as wetlands
- Request
 - Preserves ±417 acres of conservation lands in perpetuity
 - Protects lands beyond existing easements

River Hall - CPA2012-00001

29

DENSITY SUMMARY

REQUIRED INFRASTRUCTURE EXISTING

DENSITY WILL INCREASE BY $\frac{1}{3}$ A DWELLING UNIT PER ACRE

ADDITIONAL UNITS WILL BE LOCATED WITHIN THE EXISTING DEVELOPMENT FOOTPRINT

AMENDMENTS PROMOTE DEVELOPMENT OF EXISTING CLEARED AND VACANT LANDS

MULTI-FAMILY UNITS WILL NOT EXCEED 10% OF THE TOTAL DEVELOPMENT

PROPOSAL INCREASES ACTIVE RECREATION AND CONNECTIVITY TO SURROUNDING NEIGHBORHOODS AND LEE COUNTY PARKS



River Hall - CPA2012-00001

30



PUBLIC NECESSITY COMPONENTS

- 1) COMMERCIAL
- 2) INFILL
- 3) SCHOOL
- 4) FIRE STATION
- 5) STATE ROAD 80 SIDEWALK
- 6) PUBLIC PARK
- 7) PROPOSED TRAILWAY
- 8) CONSERVATION AREA
- 9) EXISTING STATE ROAD 80 ACCESS
- 10) EMERGENCY ACCESS
- 11) FUTURE ACCESS

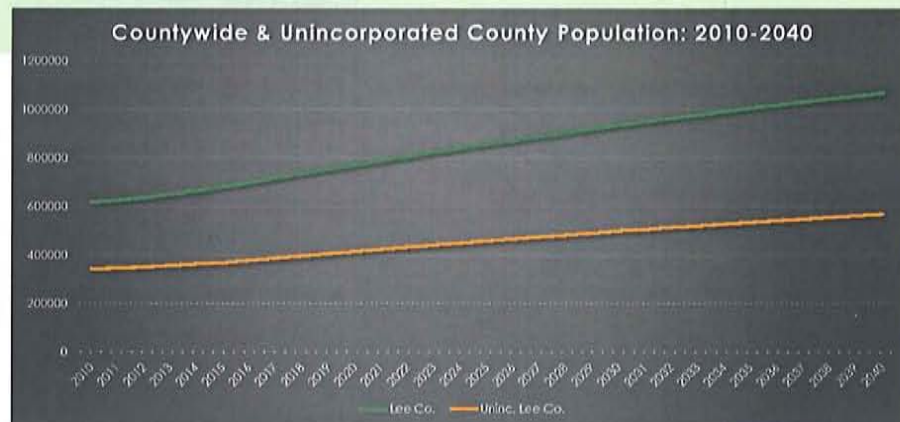
Sub-Outlying Suburban

- Policy 1.1.11
 - Predominately low density
 - Will develop at lower residential densities
 - Desire to retain a low-density community character
 - Standard density range 1 – 2 du/ac
- Request
 - Increase overall density to 1.5 du/ac
 - Reflects & maintains the existing, approved development pattern
 - Utilizes the existing infrastructure capacity
 - Provides a transition between Suburban and Outlying Suburban to the West

River Hall - CPA2012-00001

31

Public Necessity



- 2010 Uninc. Pop. = 345,491
- 2012 Uninc. Pop. = 353,139
- 2030 Uninc. Pop. = 501,646
- Largest increase = 65 +
- 1-2 person HH increase = 54,352
- 47% of HH will be 65 + in 2030

River Hall - CPA2012-00001

Data collected from BEBR & the Shimberg Center for Housing Studies

32

Request

- Accommodates population growth
- No impacts to open space, natural resources, or agriculture
- Maintains rural character
- Development within the existing approved footprint – compact & clustered
- Surrounded by residential densities, 2du/ac to 6 du/ac

River Hall - CPA2012-00001

33

Surrounding Density



River Hall - CPA2012-00001

34

Public Necessity

- Commercial Land Use

Objective 21.2

- Promote Commercial along SR 80
- Serve the entire community
- Further Old Florida Style

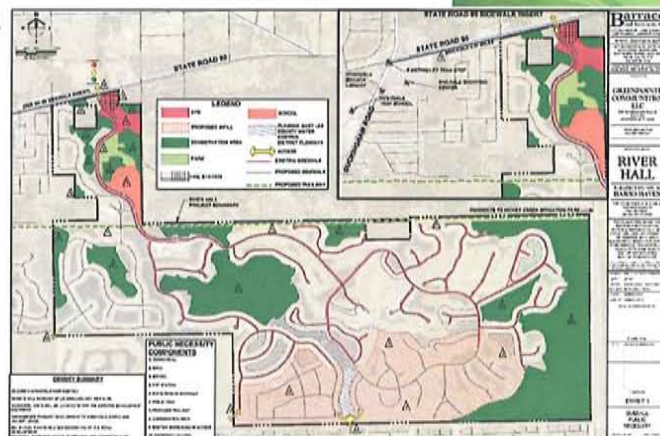
Policy 21.2.4

- Interconnections to adjacent uses
- Minimize access points onto primary roadways
- Access includes bicycle and pedestrian paths

Request

Additional uses

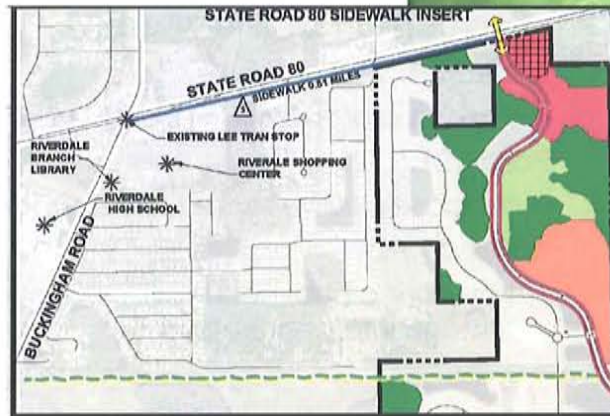
- Multi-family within existing CPD
- Public park straddles CPD & RPD
- Multi-modal trails



Additional Uses

Commercial Center

- 15,000 SF Office
- 30,000 SF Retail
- Multi-Family proposed
- Public Access
- Aligns with Commercial Land Use across SR 80
- Old Florida Architecture



River Hall - CPA2012-00001

37

Additional Uses

Connections

- River Hall Parkway
- Proposed multi-modal trails
 - Promote interconnections to east and west
- Proposed multi-use path
 - Connection to SR80 and Buckingham Rd.
- Publicly Accessible



River Hall - CPA2012-00001

38

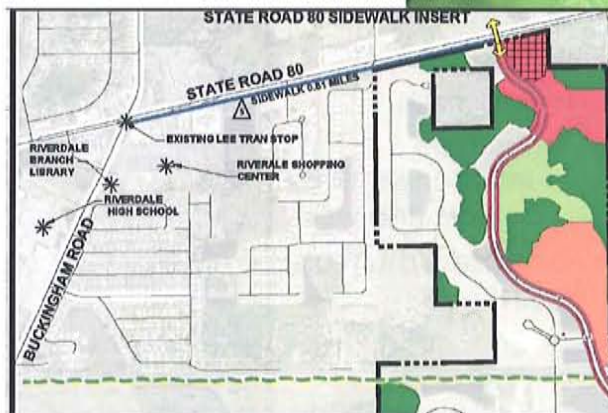
Public Necessity

- Community Facilities/Parks
 - Objective 21.5
 - Provide a broad mix of Community Facilities
 - Policy 21.5.1
 - Increase passive recreational opportunities
 - Policy 21.5.3
 - Parks are a hub, connecting open space through interconnections

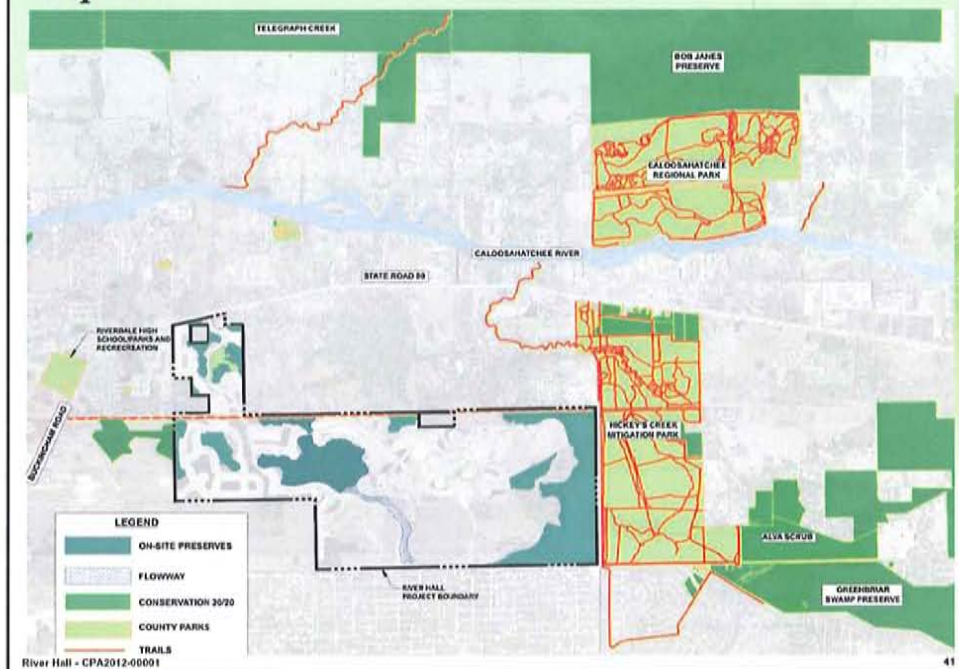
Additional Uses

Community Park

- Active & Passive recreation
- Trailhead
- Hub for surrounding recreation
- Promotes mixed-use center
- Constructed & Maintained by developer



Request



Public Necessity

Access

- Goal 21 – promote pedestrian safe environments
- Policy 21.2.4 – Provide interconnect opportunities with commercial areas
- Policy 21.4.2 – promote bicycle and pedestrian facilities
- Policy 21.5.3 – connect open space and recreational opportunities
- Map 3D-1 and Lee County MPO Bicycle and Pedestrian Master Plan
 - 8ft pathway along SR 80 is a needed improvement
- Z-05-051 – Second full access required

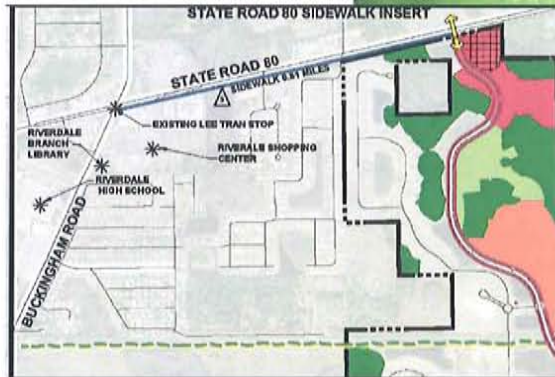
River Hall - CPA2012-00001

42

Request

Access

- Existing on SR 80
- River Hall Parkway
 - 2 lane divided public roadway
 - Connect commercial and public facilities
 - Intersects with proposed multi-modal path
- Improvements
 - Escrow funds for traffic signal
 - 8' wide path from entry to Buckingham Rd



River Hall - CPA2012-00091

43

Request

Access

- Pedestrian and Bicycle Loop
 - SR 80 8ft pathway
 - Proposed multi-modal trails
 - Alternative transportation and access
 - Riverdale High
 - Riverdale library
 - Lee Tran Stop
 - Commercial Plaza



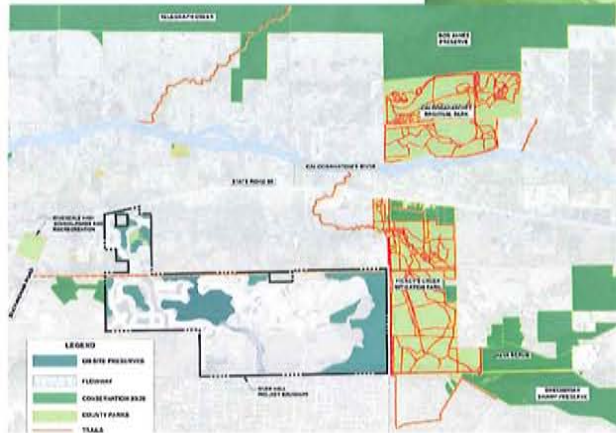
River Hall - CPA2012-00091

44

Request

Access

- Multi-Modal trails
 - Publicly Accessible
 - Connects surrounding uses
 - Ultimate connections with Buckingham Rd and Hickey's Creek Mitigation Park



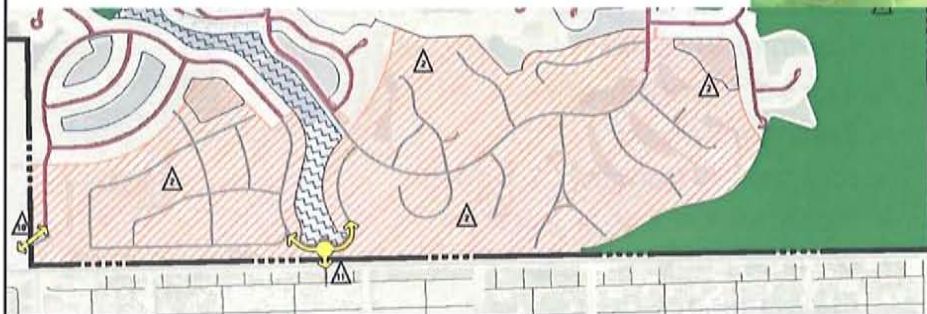
River Hall - CPA2012-00001

45

Request

Access

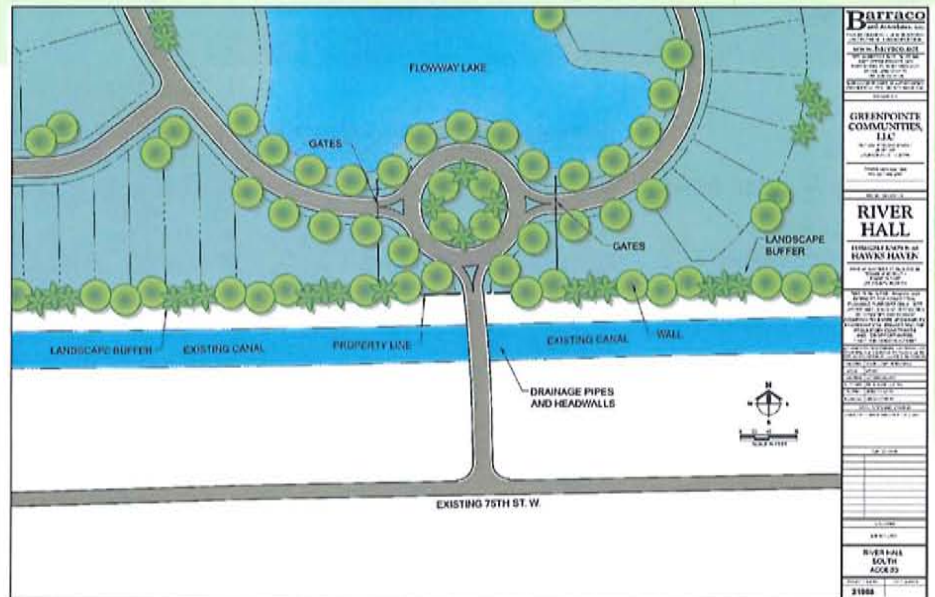
- Second Access Point
 - Expedited construction
 - Controlled, full vehicular access
 - Emergency services and school district



River Hall - CPA2012-00001

46

2nd Access - Detail



Barraco Civil Engineering & Surveying, Inc. 10000 E. 15th Avenue, Suite 100 Denver, CO 80232 Tel: 303.755.1100 Fax: 303.755.1101 www.barraco.com
GREENPONT COMMUNITIES, LLC 10000 E. 15th Avenue, Suite 100 Denver, CO 80232 Tel: 303.755.1100 Fax: 303.755.1101 www.greenpont.com
RIVER HALL HUNTERDON & HAWES HALLS 10000 E. 15th Avenue, Suite 100 Denver, CO 80232 Tel: 303.755.1100 Fax: 303.755.1101 www.riverhall.com
21000

River Hall - CPA2012-00001

47

Lee Plan Analysis

- Policy 1.1.11 Sub-Outlying Suburban
 - Low density residential
- Goal 21 Caloosahatchee Shores
 - Old Florida style
 - Mixed Use developments
 - Interconnections for alternative mobility
 - Community facilities
- Proposed Amendment
 - Existing subdivision
 - Low density transition, 1.5 du/ac
 - Promotes Rural character
 - Provides public facilities
 - Establishes interconnections

River Hall - CPA2012-00001

48

Lee Plan Analysis

- Goal 2 Growth Management
 - Economically feasible
 - Contiguous and Compact growth
- Goal 5 Residential Land Uses
 - Provide land for the projected population
 - Promote active neighborhoods & range of housing
- Proposed Amendment
 - Existing subdivision, updates development pattern
 - Available infrastructure capacity
 - Varied of housing available to grow in place



River Hall - CPA2012-00001

49

Lee Plan Analysis

- Goal 107 Resource Protection
 - Maintain and enhance native habitats and species diversity
 - Protect habitats of endangered or threatened species
- Proposed Amendment
 - Existing Conservation areas
 - Reallocated to Conservation Wetland and Upland
 - Protection in perpetuity
 - No impacts to natural resources, open space, or agricultural lands

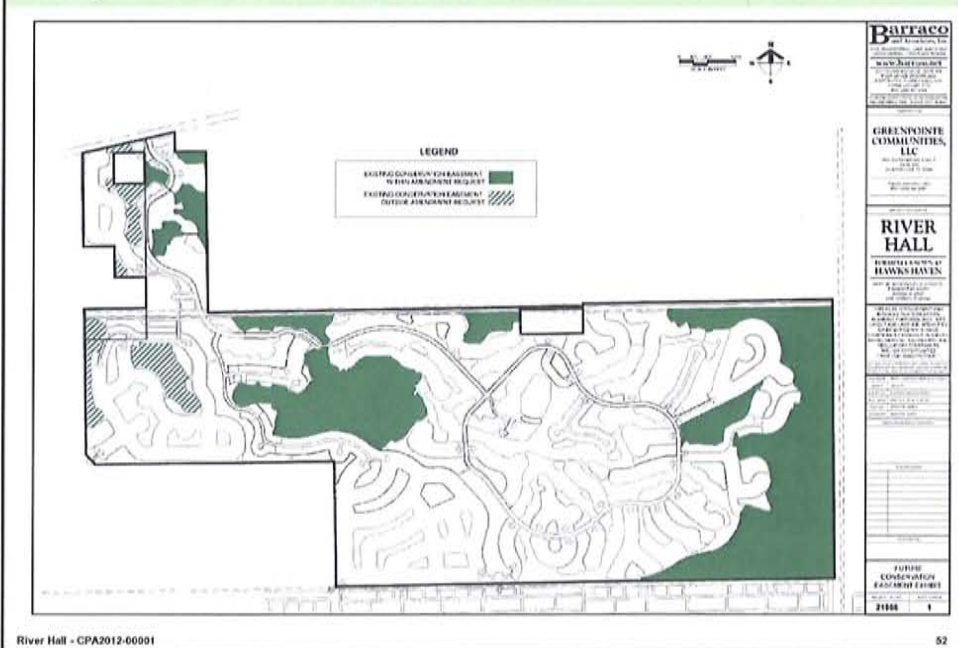
River Hall - CPA2012-00001

50

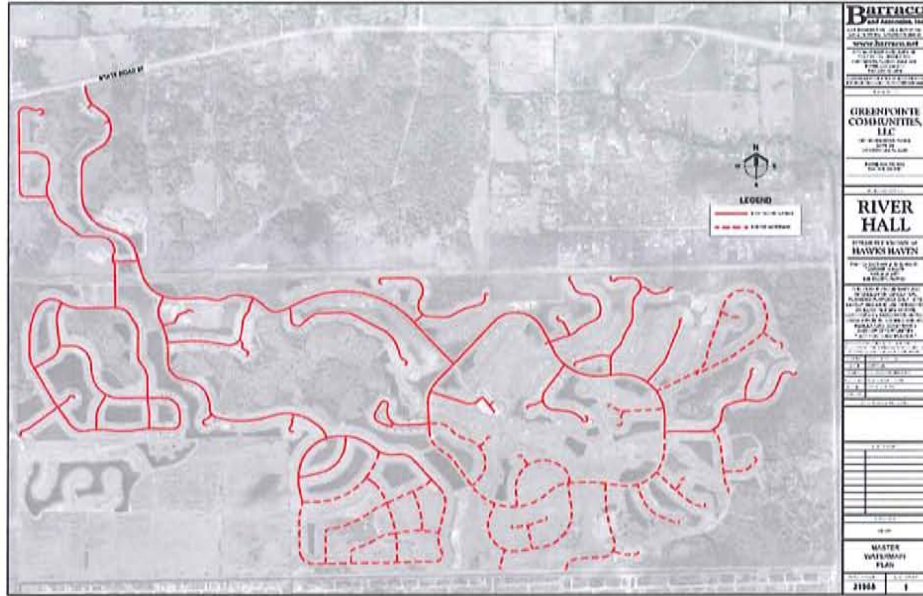
Existing Conservation Easements



Proposed Conservation Easements



Engineering



River Hall - CPA2012-00001

53

Engineering



River Hall - CPA2012-00001

54

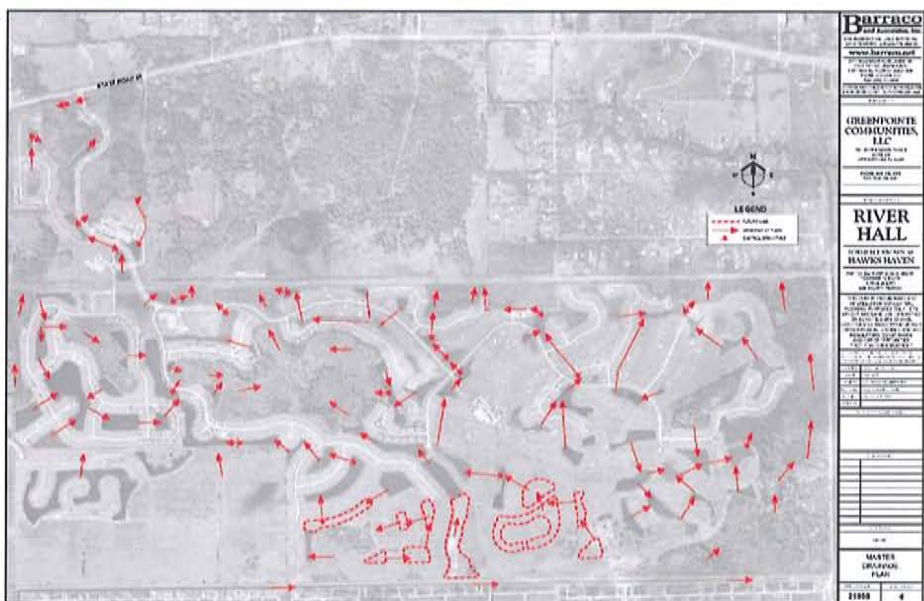
Engineering



River Hall - CPA2012-00001

55

Engineering



River Hall - CPA2012-00001

56

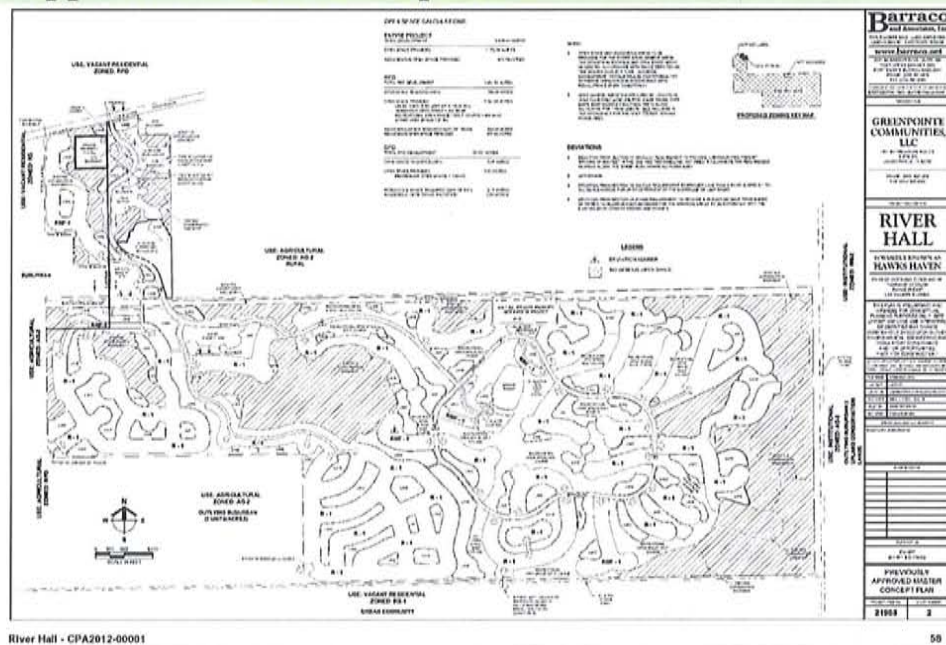
Existing Conditions

- Z-05-051 approved 1,999 dwelling units
- 1,900+ platted lots & multi-family units
- 94 units remain
- ±374 undeveloped acres remain
- Approved development plan must be modified
 - Property Development Regulations
 - Open Space

River Hall - CPA2012-00001

57

Approved Master Concept Plan



River Hall - CPA2012-00001

58

Location of Additional Units

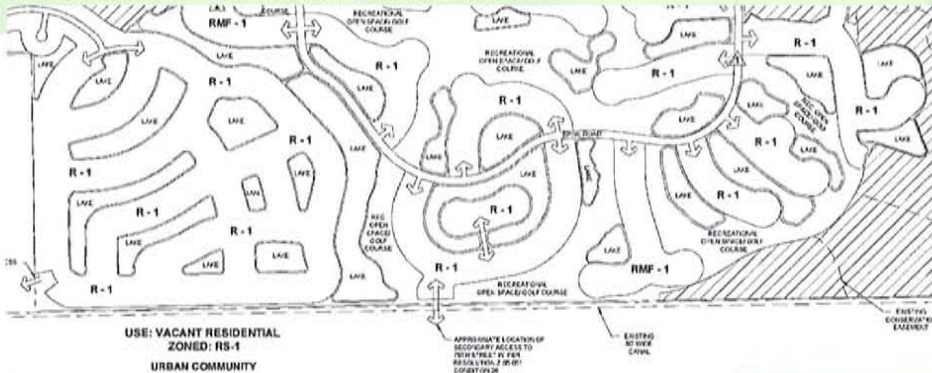


- Designed for lots 130' deep
- With current approvals, 94 lots would remain
- Lots would be much wider than depth
- To redefine the minimum lot depth
 - Planned Development Amendment required
 - Potential loss of open space
 - Elimination of additional 9 holes

River Hall - CPA2012-00001

59

Location of Additional Units



- Designed for lots +/-130' deep
- With current approval, consistent and compact development in a small portion of remaining area
 - Clustering of available units
 - Remaining property not improved, open and unmaintained
 - Social and Physical Infrastructure under utilized

River Hall - CPA2012-00001

60

Existing versus Proposed Development Plan



River Hall - CPA2012-00001

6

Stephen Leung, David Plummer & Associates

TRAFFIC



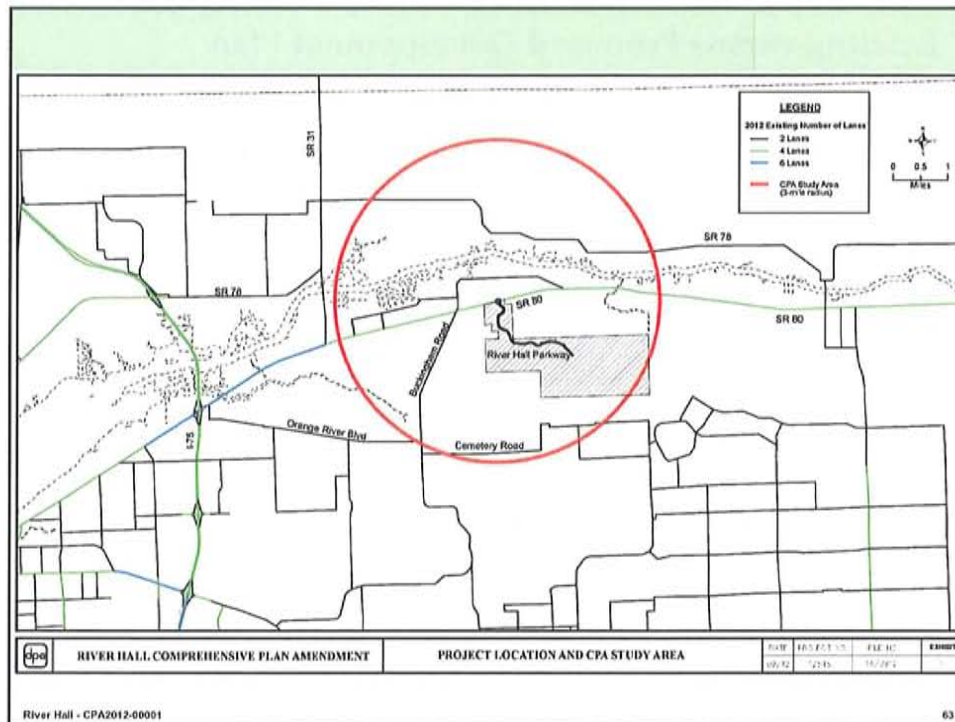


EXHIBIT 5 RIVER HALL CPA FUTURE (2035) ROADWAY NEEDS COMPARISON

LEE COUNTY

ROADWAY	FROM	TO	Number of Lanes							
			Adopted MPO 2035			CPA Analysis				
			(1) Existing	(2) Needs	(3) Cost Feasible	(4) Needs	(5) Same as MPO Needs	(6) Update MPO Needs	(7) Needs	(8) Same as MPO Needs
BUCKINGHAM RD.	Cemetery Rd.	Cemetery Rd.	2LU	4LD	Yes	4LD	Yes	-	4LD	Yes
	Cemetery Rd.	Orange River Blvd.	2LU	4LD	Yes	4LD	Yes	-	4LD	Yes
	Orange River Blvd.	SR 60	2LU	2LD	Yes	4LD	No (2LD)	Yes (4LD)	4LD	Yes
CEMETERY RD.	Buckingham Rd.	Higgins Ave.	2LC	2LC	-	2LC	Yes	-	2LC	Yes
NORTH RIVER RD.	SR 31	Olga Road	2LU	2LU	-	2LU	Yes	-	2LU	Yes
	Olga Road	Alva Bridge	2LU	2LU	-	2LU	Yes	-	2LU	Yes
ORANGE RIVER BLVD.	SR 60	Staley Rd.	2LU	2LU	-	2LU	Yes	-	2LU	Yes
	Staley Rd.	Buckingham Rd.	2LU	2LU	-	2LU	Yes	-	2LU	Yes
60TH ST. W.	Cemetery Rd.	Project Entrance	2LC	2LC	-	2LC	Yes	-	2LC	Yes
	Project Entrance	East	2LC	2LC	-	2LC	Yes	-	2LC	Yes
SR 31	SR 60	Bayshore Rd.	2LU	4LD	No	4LD	Yes	-	4LD	Yes
	Bayshore Rd.	North River Rd.	2LU	4LD	No	4LD	Yes	-	4LD	Yes
SR 60	SR 31	Tropic Ave.	4LD	4LD	No	6LD	Yes	-	6LD	Yes
	Tropic Ave.	Buckingham Rd.	4LD	6LD	No	4LD	No (6LD)	-	4LD	Yes
	Buckingham Rd.	River Hall Parkway	4LD	4LD	-	4LD	Yes	-	4LD	Yes
	River Hall Parkway	Hickey Creek	4LD	4LD	-	4LD	Yes	-	4LD	Yes
	Hickey Creek	Alva Bridge	4LD	4LD	-	4LD	Yes	-	4LD	Yes

FOOTNOTES:

- (1) Existing 2012 conditions.
- (2) Adopted MPO 2035 LRTP - Highway Needs Plan.
- (3) Adopted MPO 2035 LRTP - Highway Cost Feasible Plan.
- (4) CPA Traffic Analysis - Without the CPA (Approved 1,999 SF dwelling units).
- (5) Comparison between (4) and (2).
- (6) Recommended update to (2).
- (7) CPA Traffic Analysis - With the CPA (Proposed 1,999 + 1,000 = 2,999 SF dwelling units).
- (8) Comparison between (7) and (4).

River Hall - CPA2012-00001

64

River Hall Comprehensive Plan Amendment

- Year 2035 Traffic Conditions Summary
 - Future roadway conditions are the same "without" and "with" proposed CPA
 - Does not trigger any additional adverse roadway deficiencies
 - LOS analysis demonstrates capacity is available for future development
 - No additional roadway improvements are needed within the proposed CPA

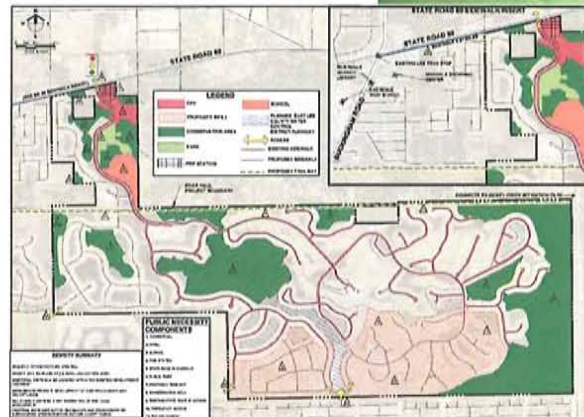
Russell Schropp: Conclusions & Summary

RIVER HALL



Benefits

- Clustered, compact development
- Additional uses for Caloosahatchee Shores
- No impacts to open space or agriculture
- Encourages multi-modal access to community facilities
- Promotes Active & Passive Recreation



River Hall - CPA2012-00001

67

Summary

- Concur with Staff Recommendation
 - Approval of FLUM Amendment
 - Approval of new Policy 5.1.11
 - Amendment to Table 1(b)
- Effect of the Amendments
 - Increases overall density of River Hall from 1.0 to 1.5 du/ac
 - Additional units to be located in South portion of Project adjacent to densities of 2.0 to 6.0
 - Utilizes existing development footprint and infrastructure

River Hall - CPA2012-00001

68

- Pathway along SR 80
- Public Park and Trailhead
- Trailway connecting Buckingham Rd and Hickey's Creek Mitigation Park
- Funding for Signal at SR 80 and River Hall Parkway
- Accelerated Construction of South Access
- Additional areas placed under Conservation Easement
- Restores value and marketability of project

69



ATTACHMENT 7

LETTERS OF OPPOSITION

RECEIVED
JUN 27 2013

COMMUNITY DEVELOPMENT

June 25, 2013

Mr. Brandon D. Dunn, Senior Planner
Lee County Division of Planning
1500 Monroe Street
Fort Myers, FL 33902-0398

Dear Mr. Dunn:

RE: CPA2012-00001 and DCI2013-00003

I was one of two River Hall residents elected to the River Hall Community Development District Board of Supervisors (CDD) in November 2012. The remaining three seats on the CDD are held by GreenPointe owners and/or employees, including Grady Miars, who is chairman of the CDD. As I am sure you are aware, Mr. Miars is also both part owner and President of GreenPointe Communities, LLC.

Some River Hall residents received a letter from Morris Depew outlining what GreenPointe Communities is hoping to accomplish with the Comprehensive Plan and Planned Development Amendments referenced above. I believe you have a copy of the letter.

The second paragraph of the letter states that GreenPointe Communities, LLC, as representative of the owners of River Hall, received authorization from, among others, the CDD, "to undertake the Comprehensive Plan and Planned Development Amendment". Included in the file for the amendments in River Hall is an affidavit titled: PART I – AFFIDAVIT A2 (Exhibit PH-1.B.2). A copy is enclosed. The affidavit was signed on January 4, 2013 by Grady Miars, as Chairman of the CDD. There may be a problem with the validity of that document, if that is the authorization from the CDD that is referenced by the Morris Depew letter.

I asked the CDD's manager to provide me with the minutes of the meeting at which the CDD's authorization was granted. She replied that no minutes existed, since there was no meeting held to vote on providing that authorization. Therefore, Mr. Miars "did not" receive authorization from the CDD, with a formal vote, to sign the form giving GreenPointe Communities authorization to undertake the amendments. Consequently, the authorization to GreenPointe actually came from GreenPointe, through one of its owners, Grady Miars.

The CDD attorney informed me that no vote was necessary since the authorization was ministerial. Therefore, Mr. Miars could provide that authorization without CDD approval. I wholeheartedly disagree. As an attorney, I am aware that Florida law states that a ministerial act leaves no room for discretion, where the performance being required is directed by law. That is most certainly not the case in this situation.

The CDD's actions are not ministerial. As a matter of fact, it has a great deal of discretion in how it conducts its business. That includes whether it would either agree with, or oppose, at a public meeting, the requested amendments to the comprehensive plan and the zoning, especially since the proposed amendments will impact the infrastructure of the CDD. That impact could prove detrimental to both the CDD and the residents it represents. As it stands, the CDD did not have the opportunity to hear from the

residents, discuss the matter openly, and vote on it at a public meeting. There is no doubt that if the matter had been brought before the CDD for a vote, I would have voted against it.

What is even more troubling about the authorization is that it was signed on January 4, 2013, almost two months after the new members were elected. Unfortunately, the December 2012 meeting was unilaterally cancelled by Mr. Miars, and there was no scheduled meeting in January. It would have been very easy to hold the regularly scheduled December 2012 meeting and place the matter on the agenda to be discussed openly. In addition, a special meeting could have been called to discuss the issue. As a matter of fact, three regularly scheduled meetings were unilaterally cancelled by Mr. Miars following the November 2012 election. Therefore, the first time the new CDD met was in April 2013, five full months after the election.

The residents were not notified of the proposed amendments until the January 15, 2013 HOA meetings, which were postponed from December 2012. Why the form was signed without formal authorization from the CDD, at a public meeting, two weeks before GreenPointe Communities chose to disclose to the residents what it is trying to accomplish, is a question that should be answered. In addition, the Morris Depew letter is the only written communication sent by the developer, to the residents, concerning the changes. That letter was received in late May or early June by some, but not all residents. The point is that the residents were kept in the dark until the process was well underway.

Finally, I do not know the legal ramifications of the fact that Mr. Miars did not receive formal authorization from the CDD to sign the form. Nevertheless, I respectfully request that the process be halted, and hearings delayed, until the issue is clarified. I also request that the matter be forwarded to the County Attorney for review to determine what actions, if any, should be taken.

Sincerely,

A handwritten signature in cursive script, reading "Paul D. Asfour".

Paul D. Asfour
17131 Easy Stream Court
Alva, FL 33920
239-693-6131

cc: Alvin Block

Enclosure

PART 1 - AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.),
LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Graydon E. Miars, as Chairman of the River Hall Community Development District, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized 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 thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

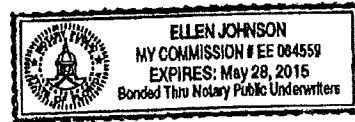
River Hall Community Development District

*Name of Entity (corporation, partnership, LLP, LC, etc.)

[Signature]
Signature

Chairman
(title of signatory)

Graydon E. Miars
(Typed or printed name)



STATE OF FLORIDA
COUNTY OF Hernando

The foregoing Instrument was sworn to (or affirmed) and subscribed before me on 01/04/13 (date) by Graydon E. Miars (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Ellen Johnson
Signature of person taking oath or affirmation

Ellen Johnson
Name typed, printed or stamped

Title or rank

Serial number, if any

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

Miller, Janet

From: Steveb239@aol.com
Sent: Tuesday, August 13, 2013 11:22 PM
To: Local Planning Agency
Subject: Fwd: opposition to River Hall density increase

From: h.brand@comcast.net
To: jim@jimgreenrealty.com, apiercegardner@gmail.com, mhutchcraft@cclpcitrus.com, nandress@comcast.net, happyoldfogey@aol.com, rstrelow@comcast.net, steveb239@aol.com
CC: reznitsky@comcast.net, carolbubu@comcast.net
Sent: 8/13/2013 4:54:45 P.M. Eastern Daylight Time
Subj: opposition to River Hall density increase

We are residents of the River Hall community, and live at 15364 Yellow Wood Drive. We are opposed to any increase in density within River Hall for a number of reasons, some of which are:

- (1) There is currently a serious problem exiting River Hall onto SR 80 at least twice each weekday due to the number of arrivals and departures at the Elementary School AND the fact that no traffic light exists at the intersection with SR 80. We have witnessed several accidents at that intersection, in one case involving a school bus!
- (2) We are lead to believe that such a density increase to the River Hall community would include providing an entrance to the River Hall community from the south; i.e., from Lehigh Acres. There are already problems with crime and having an easier entrance to the community for criminals from the Lehigh Acres area into River Hall would only make the existing problems worse. We do not mean in any way to demean law-abiding residents of Lehigh Acres but we all follow the local news regularly and recognize what happens there.

Harvey and Carol Brand

15364 Yellow Wood Drive

Alva, FL 33920-4610

Miller, Janet

From: Jim Green [jim@jimgreenrealty.com]
Sent: Tuesday, August 13, 2013 8:35 AM
To: Local Planning Agency
Subject: FW: Oposing GreenPointe's Request to increase the density at River Hall as per CPA 2012-00001 and DCI2013-00003

From: Joern Erdmann [mailto:joern.erdmann@edlconsulting.de]
Sent: Tuesday, August 13, 2013 1:17 AM
To: jim@jimgreenrealty.com; apiercegardner@gmail.com; mhutchcraft@cclpcitrus.com; nandress@comcast.net; happyoldfogey@aol.com; rstrelow@comcast.net; Steveb239@aol.com
Subject: Oposing GreenPointe's Request to increase the density at River Hall as per CPA 2012-00001 and DCI2013-00003

Dear Sir or Madam:

For the reasons below we , residents of Ashton Oaks at River Hall, oppose to the approval of GreenPointe's request to increase the density at River Hall:

1. Roads were not designed to handle another potential 1,500 vehicles. (1,000 units multiplied by approximately 1.5 people per unit).
2. Increased traffic at the intersection of River Hall Parkway and Palm Beach Blvd., especially since there is no traffic light.
3. Increased traffic could affect the safety of the children attending River Hall Elementary School.
4. Increase in multi-family units would lower property values and diminish the attractiveness of River Hall as an single family neighborhood.
5. Investors could purchase multi-family units and rent them for the week, month, etc., resulting in more non-residents.
6. Golf course will not handle another potential 1,500 members (1,000 units multiplied by approximately 1.5 people per unit).
7. Resident control of River Hall will take longer to occur since more lots will have to be sold to reach the 90% threshold necessary for turnover.

Sincerely,

Monika & Joern Erdmann

MONIKA & JOERN D.F. ERDMANN
ASHTON OAKS AT RIVER HALL
16570 GOLDENROD LANE 201
ALVA, FL 33920

Miller, Janet

From: Jim Green [jim@jimgreenrealty.com]
Sent: Tuesday, August 13, 2013 8:36 AM
To: Local Planning Agency
Subject: FW: GreenPoint density request

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

From: Thomas Ricker [mailto:tomricker@hotmail.com]
Sent: Monday, August 12, 2013 10:38 PM
To: jim@jimgreenrealty.com
Subject: GreenPoint density request

Mr. Green, I will not be able to attend the board meeting on the above.
As a River Hall resident, I have chosen to live in this community based on the concept of 864 homesites as presented and promised from GreenPoint.
This "SIZE" development (864) is not just an arbitrary number. It is related to one, 18 hole golf course, which, by standard real estate guidelines, can support ONLY 800 homesites. The rationale for adding 1000 more homesites appears to be based purely on greed and the inability to market and promote the complex as approved. Why would anyone think they will market, promote, and SELL 2000 homesites when they haven't been able to sell more than 300 in seven years. Let's let them "try" to do what they promised before we compound the multitude of problems already existing.
Thank you for your consideration. Tom & Jeanne Ricker, 16968 Oakstead Drive, RHCC.

Sent from my iPad=

Miller, Janet

From: Steveb239@aol.com
Sent: Tuesday, August 13, 2013 11:20 PM
To: Local Planning Agency
Subject: Fwd: GreenPointe's Density Request

From: skip@seal-360.com
To: Steveb239@aol.com
Sent: 8/13/2013 10:07:33 A.M. Eastern Daylight Time
Subj: GreenPointe's Density Request

Good Morning Steve,

I respectfully ask that you please consider voting against GreenPointe's request to increase the density in Riverhall.

Lee County home values have plummeted and the density increase will only add to the inventory of home sites which could further impact values.

David Depew agrees a recent US Supreme Court ruling bottom line is: once a permit is issued, any environmental issues become the responsibility of the tax payers, *not the developer*.

The environmental impact of the current density is not a proven fact. The question then is what will the environmental impact and the increased carbon footprint be from 1000 more home sites, potentially 2500 more people and 1500 more vehicles?

There is the issue of past due taxes that went unpaid by GreenPointe. How does that show good citizenship by the company?

In view of these and other issues and the fact that there is no overriding necessity, please vote against the request.

Unfortunately, I will be traveling for the next two weeks and cannot attend the meeting on the 26th.

Thank you for your consideration in this matter.

--
Skip Seal
LEED AP, I.C.E. GB, GCS
918 607 5597
skip@seal-360.com
www.seal-360.com

Miller, Janet

From: Jim Green [jim@jimgreenrealty.com]
Sent: Tuesday, August 13, 2013 2:09 PM
To: Local Planning Agency
Subject: FW: GreenPointe's request to change the density at River Hall

From: Jill Seal [mailto:jillmseal@gmail.com]
Sent: Tuesday, August 13, 2013 12:41 PM
To: jim@jimgreenrealty.com
Subject: GreenPointe's request to change the density at River Hall

Dear Jim,

I am a year round homeowner in RiverHall and I am requesting for you to vote NO to GreenPointe's request to change the density and add 1000 new home lots.

GreenPointe has not been able to pay the required taxes due. This has caused River Hall to be called a "failed community" and therefore many banks do not want to loan to new home owners.

GreenPointe still has not been able to keep up the regular maintenance of existing buildings and developed areas.

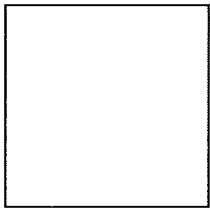
The Clubhouse "Grill" and the Amenity Center will not accommodate another 1000 plus residents.

Builders have been discouraged by GreenPointe.

So I ask: Why would GreenPointe be awarded more lots when they have not been good stewards of the existing lots?

Thank you for your consideration,

Jill



Jill Seal

239-271-1138

Miller, Janet

From: Jim Green [jim@jimgreenrealty.com]
Sent: Wednesday, August 14, 2013 9:16 AM
To: Local Planning Agency
Subject: FW: Greenpointe

From: Betsy Seligman [mailto:betsyseligman@aol.com]
Sent: Wednesday, August 14, 2013 8:46 AM
To: jim@jimgreenrealty.com
Subject: Greenpointe

In a community that will increase to another at least 2500 cars and an elementary school with children ages 5-12, there is a tremendous safety issue. We do not have a traffic light at Palm Beach Blvd and school buses and cars are going in and out into traffic going 60 miles an hour...what a dangerous situation that now exists...adding more is disastrous.

Betsy Seligman
General Manager
Olde Hickory Golf & Country Club
239-768-2400 ext. 202

Karen Asfour

From: Joern Erdmann [joern.erdmann@edlconsulting.de]
Sent: Tuesday, August 13, 2013 1:17 AM
To: jim@jimgreenrealty.com; apiercegardner@gmail.com; mhutchcraft@cclpcitrus.com; nandress@comcast.net; happyoldfogey@aol.com; rstrelow@comcast.net; Steveb239@aol.com
Subject: Oposing GreenPointe's Request to increase the density at River Hall as per CPA 2012-00001 and DCI2013-00003

Dear Sir or Madam:

For the reasons below we , residents of Ashton Oaks at River Hall, oppose to the approval of GreenPointe's request to increase the density at River Hall:

1. Roads were not designed to handle another potential 1,500 vehicles. (1,000 units multiplied by approximately 1.5 people per unit).
2. Increased traffic at the intersection of River Hall Parkway and Palm Beach Blvd., especially since there is no traffic light.
3. Increased traffic could affect the safety of the children attending River Hall Elementary School.
4. Increase in multi-family units would lower property values and diminish the attractiveness of River Hall as an single family neighborhood.
5. Investors could purchase multi-family units and rent them for the week, month, etc., resulting in more non-residents.
6. Golf course will not handle another potential 1,500 members (1,000 units multiplied by approximately 1.5 people per unit).
7. Resident control of River Hall will take longer to occur since more lots will have to be sold to reach the 90% threshold necessary for turnover.

Sincerely,

Monika & Joern Erdmann

MONIKA & JOERN D.F. ERDMANN
ASHTON OAKS AT RIVER HALL
16570 GOLDENROD LANE 201
ALVA, FL 33920
PHONE 239-344-7524
MOBILE 239-848-6097
JERDMANN@EDLCONSULTING.DE

Karen Asfour

From: Don Frank [Don@kanakuk.com]
Sent: Friday, August 16, 2013 12:03 PM
To: Karen Asfour (karenaz4@comcast.net)
Cc: 'Joern Erdmann' (joern.erdmann@edlconsulting.de)
Subject: River Hall Planned Development Amendment

Karen

I just finished sending this email to each of the seven board members individually. I read Paul's article first (good job Paul!) and thought I would address issues that they may not have heard about until now. Let me know if you see anything else I should do. Thanks for staying on task in this cause.

Don

Hello -----

First let me say thank you for taking your time to serve on this board. I understand the commitment it takes to invest your personal time to serve the community.

This email is intended to express my concerns with the proposed changes that Green Pointe would like to make to River Hall.

My wife and I first started visiting this area 10 years ago as a winter retreat. We rented in the area for many years as a snowbird and then purchased a home in River Hall in March of 2009. We were attracted to the spacious design and the ample green areas that we saw in the design. We felt that any growth in the development could easily be handled based on the "Planned Development Design" that we reviewed.

I understand the economic changes that have taken place over the last four years which required most companies to make adjustments. But I don't understand how the original management team who were also the principles in the former development company could buy the same company out of bankruptcy and now ask everyone to make major changes in the community to include increasing the number of lots by ^{50%} 10% with little regard to the original commitments that were made to the homeowners.

I read their recent amendment letter and see that they state that they have "invested \$20 million in the community". Please understand that to my knowledge no improvements have been made in the community by Greenpointe. If they spent this money it was to restructure

loans or something not visible to any homeowner. They have made no attempt to market any lots to builders in the last two years. It appears to most homeowners that they intend to get approval from your committee for their plan and then sell the entire community to another party.

The concerns that I have are the following:

1. The gated area currently requires all homeowners to join the Country Club. The additional lots connect to the current gated area. No explanation has been offered to address the issue of how these new lots will figure into the current plan for the golf course. The existing golf course and club house could not handle ~~2~~ 1000 new members and I see no concrete commitment to add the additional 9 holes as required by the original documents.
2. The amenity center was not designed to handle an additional 2,500 people.
3. There has been no mention of what the restrictive covenants will be on the 1,000 new lots. Will they be compatible with the existing covenants? Since the new lots are 33% smaller than we can only assume the homes will be of less value and thus depreciating the value of the existing homes.
4. Can the infrastructure of roads, water and sewer handle the 50% increase in population?

Green Point has operated with no input or regard for us the original investors in this community. They control all board s and schedule their meetings when most residents will not be in the area which is usually in August. The CDD board meeting is August 16. This creates a level of mistrust between the homeowners and developers.

I ask that this board hold Green Pointe accountable for the original planned development and not make an amendment to add 1,000 lots.

Thanks for listening.
Don Frank
16571 Goldenrod Lane.

Karen Asfour

From: Peter Manhoff [petethemaid@yahoo.com]
Sent: Friday, August 16, 2013 2:43 PM
To: apiercegardner@gmail.com
Subject: Fw: River Hall Land Use Change

Sorry, I had the wrong e-mail address on the original.

----- Forwarded Message -----

From: Peter Manhoff <petethemaid@yahoo.com>
To: "jim@greenrealty.com" <jim@greenrealty.com>; "apieriegardner@gmail.com" <apieriegardner@gmail.com>; "mhutchcraft@gmail.com" <mhutchcraft@gmail.com>; "nandress@comcast.net" <nandress@comcast.net>; "happyoldfozey@aol.com" <happyoldfozey@aol.com>; rstrelow@comcast.net; "steveb239@aol.com" <steveb239@aol.com>
Sent: Friday, August 16, 2013 2:36 PM
Subject: River Hall Land Use Change

Dear LPA Members,

My name is Peter Manhoff, and my wife and I are owners of a condo in River Hall at 16521 Goldenrod Lane #203 Alva, Florida. We presently reside in NE Ohio and spend the winters at our home in Florida. We hope to move to Florida full time in the near future.

We are writing to you to voice our opposition to the proposed land use changes of the River Hall community that are about to be voted on by your board. We believe the proposed changes would not only diminish the value of our property over time but they would also change the planned lifestyle we originally bought into. It is extremely disappointing that the developer has not lived up to their responsibility of promoting and selling homes as promised in the past with 2,000 homes planned. We do not see the benefit to home owners to add an additional 1,000 home sites, but there definitely is a profit opportunity to the developer. We do not trust the developer to develop the property and possibly they have plans to sell it once the proposal is passed.

Thank you for listening and we are hopeful for a no vote on the pending proposal.

Best regards,

Peter and Dolores Manhoff

August 18, 2013

Commissioner Frank Mann
Old Lee County Courthouse
2120 Main Street, Fort Myers, Florida 33901

Cc: Commissioners - John E. Manning, Cecil L. Pendergrass, Larry Kiker, Tammy Hall
LPA – Jim Green, Ann Pierce, Mitch Hutchcraft, Noel Andress, Wayne Daltry, Roger Strelow,
Steve Brodkin

Re: River Hall Comprehensive Plan (CPA2012-00001) and Planned Development Amendment (DCI2013-00003)

Commissioner Mann,

We are full time residents of the River Hall (Country Club) community and are writing you to express our concerns about the above referenced land usage amendment applied for by GreenPointe Communities, LLC.

As you are aware, the adopted Lee Plan policy language for the Caloosahatchee Shores Community Plan discourages amendments to Rural lands unless there is a finding by the Board that there is an “overriding public necessity” for the amendment. We have reviewed the Public Necessity Narrative transmitted by Morris-Depew Associates, as representative for GreenPointe Communities LLC, to the Lee County Division of Planning and found their “Demonstration of Necessity” lacking in any real substance or justification to support approval of the requested amendment on that basis.

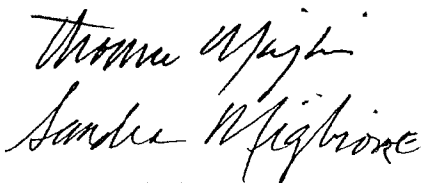
To justify the “overriding public necessity” and have the amendment approved, GreenPointe Communities has expressed a desire to:

1. Update the River Hall development plan to “establish and promote a viable, successful subdivision.” Yet, to date, they have demonstrated a total lack of interest in building homes on the lots already in place and approved. There are already sufficient building lots (units) available, without the additional 1000 units requested in the amendment, to handle population growth in our area of Lee County under the current River Hall development plan. Re-establishing the economic vitality and property values of the project (including the current and future residents) will occur when the developer shows a willingness to “develop” the property - the plan amendment notwithstanding.
2. Provision of public multi-modal trail facilities to provide non-vehicular access to amenities, recreational, shopping and school facilities. In fact, the proposed multi-use trail is a part of the existing River Hall development plan and has yet to be built – nothing new here to require an amendment. Actually, the proposed access already exists via the roadway/sidewalk infrastructure that is currently in place. As an alternative, we propose adding marked bicycle lanes to all main roads within the River Hall Community. We live directly adjacent to the designated trail location and, on numerous occasions, have witnessed trucks, motorcycles and ATV’s running back and forth on the unpaved (utility) trail. We can only imagine the increase in motorized traffic that we’ll experience when the trail is paved. Also, the River Hall CC is a gated, restricted access, community and the addition of public access on the adjacent trail raises security concerns.

3. As a component of the “overriding public necessity” justification, expediting a second access point to the south (Lehigh Acres – Ruth Ave) is proposed. This southern access point is a part of the current River Hall development plan and does not require a plan amendment to include it – it merely needs to be built. The concern we have with the southern access point is community safety and security. We routinely review the local crime reports (see attached) and are aware of the high numbers of property crimes, assaults and registered sex offenders in the Lehigh Acres community. Currently River Hall is insulated somewhat from that criminal activity by a canal system that borders the two communities. Building a southern access point across the canal, gated or not, increases the probability that River Hall residents will be victimized.
4. GreenPointe is offering to escrow funds for the construction of a stoplight at the entrance to River Hall – when warrants are met. We believe that the stoplight, when warrants are met, will eventually be added with or without GreenPointe’s contribution and view this as nothing more than the developer attempting to win amendment approval by “sweetening the pot.”
5. While we welcome additional paved multi-modal trails along SR 80 (eg., between the entrance to River Hall and Buckingham Road), as well as other areas of Lee County, we don’t believe it meets the “overriding public necessity” litmus test required to justify granting approval of this amendment.

In summary, as detailed above, we respectfully disagree with the findings of the Lee County Planning Division Staff Report for CPA2012-00001 (dated August 16, 2013) that the current character of River Hall will not be substantially altered by the proposed amendment. As property owners and full time residents of the River Hall CC, we are requesting that the Board of County Commissioners does not approve or transmit the proposed amendment to the Lee Plan.

Respectfully,

Handwritten signatures of Thomas and Sandra Migliore in cursive script.

Thomas Migliore
Sandra Migliore
16444 Windsor Way
Alva, FL 33920
River Hall Country Club

Miller, Janet

From: Jim Green [jim@jimgreenrealty.com]
Sent: Wednesday, August 21, 2013 4:10 PM
To: Local Planning Agency
Subject: FW: Proposed River Hall Land Use Amendment

From: Raymond Seals [mailto:ray5955@hotmail.com]
Sent: Wednesday, August 21, 2013 1:23 PM
To: jim@jimgreenrealty.com
Subject: Proposed River Hall Land Use Amendment

Dear Mr. Green:

- As one of the original purchasers of property in the River Hall Community my wife and I strongly object to the proposed amendment to the River Hall development that seeks to increase the density of the community to the detriment of the residents. We purchased our property based on the original developers representations regarding the land use approved at that time. If we would have known that a new developer, GreenPointe, (its principals were a part of the original development team) would seek to change the character of the community we would not have purchased property in the development.
- There is no public interest served by granting the developer's request to amend the existing approved land use for the property. In fact, the original River Hall land use approval recognized that it was consistent with the surrounding areas. To permit GreenPointe to change the character of the community, as would occur if the proposed amendment is approved, would send a signal to every developer that the original land use approvals for projects in Lee County can be changed at the whim of the developers. This certainly is not a message that Lee County should want to send to residents and prospective home purchasers as it would only have the effect of inhibiting prospective Lee County residents from purchasing homes in the area.

Cordially,

Ray and Joanne Seals

Miller, Janet

From: Jim Green [jim@jimgreenrealty.com]
Sent: Wednesday, August 21, 2013 8:30 PM
To: Local Planning Agency
Subject: FW: Opposition to the River Hall Developer's Application to Change the Land Use Plan
Attachments: Opposition to River Hall Density Application.pdf

From: r.thornberry@comcast.net [mailto:r.thornberry@comcast.net]
Sent: Wednesday, August 21, 2013 7:32 PM
To: jim@jimgreenrealty.com
Subject: Opposition to the River Hall Developer's Application to Change the Land Use Plan

Mr. Green,

I am a resident of River Hall. As you will probably remember from our discussions at the Alva Community Planning Meeting I am strongly opposed to the developer's applications to change the River Hall Land Use Plan and to increase the home site density by one thousand units.

The basis for my opposition is contained in my attached letter. I respectfully request that you review this letter prior to the Board meeting on 26 August. I look forward to seeing you at the meeting.

Respectfully,

Roger W. Thornberry
Colonel, U. S, Army (ret)

Miller, Janet

From: Jim Green [jim@jimgreenrealty.com]
Sent: Friday, August 23, 2013 7:37 AM
To: Local Planning Agency
Subject: FW: Letter to East Lee County Land Plan Committee

From: hgang1@aol.com [mailto:hgang1@aol.com]
Sent: Thursday, August 22, 2013 5:38 PM
To: jim@jimgreenrealty.com; apiercegardner@gmail.com; mhutchcraft@ccipcitrus.com; nandress@comcast.net; happyoldfogey@aol.com; rstrelow@comcast.net; Steveb239@aol.com; karenaz4@comcast.net; hgang1@aol.com
Subject: Letter to East Lee County Land Plan Committee

To: LPA Board
From: Michele Holcomb
River Hall Community resident
Date: August 22, 2013

Reference:

Monday August 26, 2013 at 8:30 am LPA Hearing
regarding Proposal to Change River Hall Golf Community from Rural
Designation in order to Increase Density

Dear Sirs:

I have been a resident of River Hall Golf Community for 6 years.
My husband and I built in this community to enjoy the rural nature of this upscale golf community.

I do not want the ordinances and regulations changed from rural to allow a higher density in our community. It would affect the character and rural atmosphere that initially attracted us to River Hall.

In addition, safety is a major concern, as we do not want increased density traffic for us or River Hall Elementary School that is in our community.

Thank you for your consideration.

Sincerely,

Michele A. Holcomb
16016 Herons View Dr.
Alva, FL. 33920



Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

To: Lee County Land Planning Agency

Date: August 23, 2013

From: Julianne Thomas, Growth Management Specialist

Re: River Hall Privately Sponsored Amendment to the Lee County Comprehensive Plan, CPA2012-00001

The Conservancy of Southwest Florida has long been active in providing comments to protect the environment and quality of life in Southwest Florida. Our goal is not to stop all development. We understand that development will happen, and we strive to help that development occur at a time and in a location that balances the need for growth with the protection of natural resources and community character. This proposal, however, does not balance the need for growth with protection of environmental resources or community character.

Pursuant to **Objective 2.4**, modifications of the future land use map are to be made in light of new information and changed conditions. The existing map is presumed to be correct. There are no changed conditions or new information which supports this proposed change. **Policy 2.4.3** specifically states that it is Lee County's policy to not approve further urban designations. **Policy 5.1.5** states that Lee County must protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. This proposal does this very thing by seeking to change the existing rural character of the community.

Additionally, in 2009, the Board of County Commissioners (BoCC) adopted a text amendment specifically protecting the remaining rural lands in this planning area. This amendment prohibits amendments to the Future Land Use Map within the Caloosahatchee Shores Community Planning Area that increase the density of rural lands without a finding of "overriding public necessity". Increasing the number of buildable lots in a planned development, in Lee County is not a public necessity. There is no benefit to the public. The only entity that benefits from this is the developer.

The staff report has focused on the phrase "overriding public necessity", and while that language is important, there is other language in Policy 21.1.5 that is just as important. The stated goal is to retain rural character and rural land uses. Nothing about this proposal does this, and, in fact, this proposal would



Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

provide additional erosion of existing rural lands by removing property rights and creating enclaves.

The language "overriding public necessity" is commonly used in policy statements and court decisions as meaning "no other reasonable option is available." This phrase is commonly part of eminent domain policies and proceedings, and requires that the entity wanting to change property rights literally have no other reasonable options. Additionally, the public benefit from altering the subject property must be so great that it is easily apparent and defensible. This is not true for this request.

In 2007, before the housing crash, the BoCC voted 4-1 to not adopt a proposal that would have limited development on the site to 2,800 units.

Since 2007, the need for additional housing in Lee County has dramatically decreased. There are no changed conditions that provide a reasonable basis to approve this request which is for 2,999 units. Changed ownership is not new information or changed conditions. The applicant knew or should have known what development rights were included with their purchase. Lee County should not allow the creation of enclaves or stealing the property rights of others just so one property owner can increase their residential entitlements for speculative development. It is not right. It is not fair. It is not in compliance with the Lee Plan, and it is contrary to good planning policy.

Denying this application does not impact property rights of the applicant - the purchaser knew or should have known what development rights were approved when the property was purchased. The purchaser should have based their price on approved property rights, not potential property rights. Put another way - if you purchase a piece of property, it comes with a zoning and future land use designation. It is not reasonably foreseeable that you can increase your development rights. This request is speculative, which, by its very nature cannot be a valid investment backed expectation.

Approving this action could, however, give rise to a cause of action for property owners in the community who bought their property because they wanted to live in a rural subdivision. These people invested their money with the expectation that the community they live in and the property they own would remain rural, without density increases. Their investment backed expectation is real and not speculative.

This request is also bad planning which would cause inconsistency with community character. The staff report states that because the applicant does not have unified control over all the lands, there are tracts of land that will remain rural that will be surrounded by sub-outlying suburban lands.

In annexations, enclaves are prohibited. The 2013 Florida States, Section 171.046(1) states that "[t]he Legislature recognizes that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declares that it is the policy of the state to eliminate enclaves."

It is the policy of the state to eliminate enclaves. Although this is on a future land use map, and is not an annexation, it is clear that enclaves are against public policy. There is no reason to think that enclaves on a future land use map are beneficial or good public policy. Lee County should not approve the creation of new enclaves on their future land use map and should deny amendments which create enclaves such as this one.

On page 18 of the staff report, staff states that density will be utilized from Suburban areas not included in the amendment or rezoning area and that there is a question of who really owns these lands and is entitled to any currently unused density on these Suburban lands. They don't know whose density they are taking to use. This is a huge problem. If there is a question of ownership, it is irresponsible of Lee County to authorize any changes to that property. Doing so is not in the best interest of property owners or Lee County.

On page 20, staff describes additional taking of property rights to other property owners in the Fort Myers Shores Planning Community. According to the staff report, approving the change as requested would preclude vacant rural parcels from being able to utilize their as-of-right residential development, and could, in fact remove all remaining residential building rights from all rural parcels in the Fort Myers Shores Planning Community. **The applicant's proposal removes existing as of right residential development rights from other properties.** There is absolutely no reason to Lee County to be exposed to this liability by adopting this policy. It is unclear to me whether the alternate plan as proposed by staff would allow all property owners to retain their as of right residential property rights.

Please vote no, and request that Lee County staff re-evaluate their recommendation. It is not in Lee County's best interest to approve this request. Their recommendation and yours to the Board of County Commissioners should be for denial.

To: The LPA Members

August 23, 2013

From: Georgette and Joseph Lundquist

Subject: Comments relating to River Hall CPA 2012-00001

We are writing this letter to all of you to express our opposition to the above referenced zoning request by GreenPointe. We moved to River Hall for the specific reason of having quiet rural surroundings for our retirement. Gated, safe, quiet, surrounded by nature.

We were among the first residents to own property in River Hall in December 2006. We took a leap of faith when we came here as the golf course and amenities were hardly started let alone complete. At the Welcome House at the River Hall entrance there is a model of the development with all the amenities. We watched as the golf course was completed and the Town Hall amenity center was opened. Included on that model you will see the trail along the FPL power lines to Hickey's Creek for walking and biking and also a canoe/kayak out post. Beautiful artist concept pictures were presented all around the inside of the Welcome House showing the development.

In the beginning there were 6 builders within River Hall. Hampton Lakes had Pulte and Ryland. River Hall Country Club had Pulte, Ryland, David Weekley, Taylor-Woodrow and Arthur Rutenberg. Later Morrison Homes was added.

Everyone coming through the doors of the Welcome House was given this "River Hall Storybook" about the concept of River Hall. Quoting from the book "River Hall is a master-planned community designed to include three distinct villages, a school, proposed fire station, Town Hall and a Town Square. Set among 2,000 acres of oak hammocks, where half of the land is set aside for open space and lakes, our gated community is connected by meandering trails and sidewalks".

As we continue through the book you will see that everything within River Hall is geared toward nature and the rural setting we have. But if this density increase is approved this will all change to the detriment of the existing plan. From the book "In this new hometown under clear FL skies, you'll find a community built around nature. Reflecting the casual comfort of old FL, River Hall is peacefully positioned outside Fort Myers yet close enough for convenience. With just the right mix of activity and relaxation, River Hall is a recipe for the balanced life".

In these last 6 ½ years, nothing except the Town Hall Amenity Center and the golf course has been completed by the developer. We have been told many times at Annual Meetings about a builder coming to start building only to find out later it would not happen. This developer has lied to us many times and how are we as residents to believe them if they get this rezoning density increase approved. They have not lived up to any of the initial promises they made to us when we bought into this rural community.

Here are some of the things we were promised that have never happened:

1. **Community Trail** along the power lines – There was to be a secure and safe bike/walking trail accessible only to River Hall residents. Now it is being proposed again with this density change, but it is not clear who will have access, raising security issues for residents.
2. **Town Square** - This included the elementary school (completed in Sept 2006) but also the other items on the list - shops, offices, fire station and village green – have not even been started.
3. **PR and building construction-** Over the years we were promised that builders would be coming. Jan 2012 we heard 5 builders were coming in the fall. No ads or promotions have been seen as of yet. GreenPointe's own

building company was going to start building in 2013. Nothing yet. A newspaper from Feb 2007 was the last ad we have seen for promoting River Hall.

As we read on in the book we find the Landmar Story. Yes, the developer is now GreenPointe, but the same 3 principals from Landmar are the same ones in GreenPointe. The money for the restructuring might be from a hedgefund, as we are told, but the principals are the same. Landmar states in the book that **"Our record of performance and rock-solid financial strength enables us to work with the finest homebuilders, designers and construction firms."** Where are these home builders who want to build in River Hall? No one is jumping at this chance to work with this developer.

This is also the same entity that has control of the River Hall CDD, River Hall Country Club HOA, Hampton Lakes HOA and Town Hall HOA. Residents have no say or are not even informed as to what is being done, supposedly on their behalf. We pay our quarterly fees to them and do not even have a say in what they might do to jeopardize our future as River Hall residents. They can't even manage to pay the property taxes on time as all of us must. They only do things when forced to.

The developer initially stated it had permission of all landowners to pursue this amendment. As you have probably noticed by some of the emails you have received that was not the case. We as homeowners have had no say whatsoever in any of this. In fact, we were told that we would get a letter in the mail about any hearings, etc and so far to date we have received nothing. The only way we knew this meeting was being held was by contacting the county planners once we knew the developer was trying to get this density change. This is the third such change requested by Landmar/GreenPointe for River Hall. We are now finding out that GreenPointe VP on site, Grady Miars, has requested that he be able to sign documents on behalf of the CDD without even having a meeting. Yes, we have 2 homeowner board members on the 5 member developer controlled board now, but as you can see that 3 against 2 gives them the majority vote. Again we have no say in what is being done within our borders. We are just supposed to pay our money and keep our mouths shut.

In Sept 2012 the density change request was made to Lee County by GreenPointe. There was a meeting held at River Hall by the developer in Jan 2013, 4 months later. This was a meeting to convince the residents that the developer had our best interest at heart. The engineering company, Barraco, who drew up the rezoning plans and maps, made a presentation, but when some homeowners asked tough questions they were offended. Just a month ago we received an email from Tina Matte of Gravina, Smith, Matte and Arnold, a marketing and PR firm representing GreenPointe Communities. As you can see this was a gesture to get residents on board again with the rezoning, but we think it might have backfired as no one who attended had anything positive to say about the developer. The information they gleaned from the people who participated will only give GreenPointe fuel for rebuttal.

River Hall is a planned community with 2000 acres and lots of open space and wetlands. Within the community were 1999 original planned units as homes or multi family units. Of this number, 575 is in Cascades, a completely private entity now owned by someone other than GreenPointe. This leaves a total of 1424 within Hampton Lakes and River Hall Country Club. The increased density request is for an additional 1000 units of which size and composition we have no clue. This would mean an increase of 70% over the original density that we all bought into from the original plans.

Since GreenPointe principals are also the same as Landmar, these developers knew what they were buying as approved originally by the county before River Hall ever came into existence. What they want to do is not smart growth for our rural area of Lee County. Our existing roads cannot handle the traffic from at least 2500 extra people and 1500 extra vehicles.

We see potholes all the time and the only way they are fixed is if a homeowner calls the management company for repair. We only have 2 lane roads within the development. With this increased density we would need a 4 lane road going from the front entrance to the proposed rear entrance. This can only result in safety and security issues for the residents.

To go a step further for safety when the River Hall Elementary School is in session, it is a nightmare at Rt. 80 getting out of the

development at the school start and end times. There are hundreds of cars coming and going to drop off and pick up children. I personally contacted the state of Florida to request a light at the intersection. I was told there has to be 100 vehicles an hour for this to happen or maybe a death has to occur. The school buses will not even turn left onto Rt 80 now and have to turn right and then do a u-turn at the next crossover. I know of at least one accident and it is a surprise that not more accidents have occurred.

Simply stated the developer is asking the Land Planning Agency and the County Commissioners to help break a promise it made to the county, surrounding communities and residents who invested in River Hall over 7 years ago. We all bought here for the rural ambiance that was River Hall and now they want to take that away. Please vote against this rezoning/density increase.

Georgette and Joe Lundquist

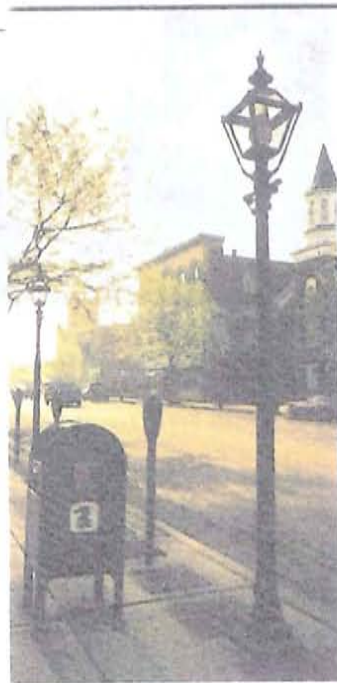
17005 Sunny Lakes Court, Alva, FL 33920

239-590-6927 and 239-634-1593

SAVOR LIFE'S PLEASURES



The central gathering point for residents of River Hall will be a made-from-scratch Town Square. As this new hometown grows, residents will find quaint shops, retail services, offices and dining opportunities right in the neighborhood.



RIVER HALL.

A RECIPE FOR A NEW HOMETOWN.

The best hometowns are a great mix of activity and relaxation. Their people and places hold your interest. It's easy to connect with others and reconnect with yourself.

- ✓ River Hall is a master-planned community designed to include three distinct villages, a school, proposed fire station, Town Hall and a Town Square. Set among 2,000 acres of oak hammocks, where half of the land is set aside for open space and lakes, our gated community is connected by meandering trails and sidewalks. Six miles east of I-75 in Lee County, River Hall is near Fort Myers but a world unto itself. River Hall feels like Old Florida – comfortable, friendly and fun.

River Hall families, active adults and golf enthusiasts will each have their own village. Like a true community, residents will interact – at our pools, clubhouse, fitness center, park, trails and golf course.

DISCOVER
YOUR TRUE

NATURE



There's a place nestled among ancient oak hammocks, wetlands and nature preserves. Here, you'll discover trails and a future direct connection to a tributary of the Caloosahatchee River.

✓ In this new hometown under clear Florida skies, you'll find a community built around nature. Reflecting the casual comfort of Old Florida, River Hall is peacefully positioned outside Fort Myers yet close enough for convenience. With just the right mix of activity and relaxation, River Hall is a recipe for the balanced life.

Prepare for your next River Hall adventure!

Stock a backpack with outdoor gear and keep it near your door.

Suggested contents:

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Camera | <input type="checkbox"/> Band aids |
| <input type="checkbox"/> Water bottle | <input type="checkbox"/> Energy bar |
| <input type="checkbox"/> Hat | <input type="checkbox"/> Sunscreen |
| <input type="checkbox"/> Sunglasses | <input type="checkbox"/> Insect repellent |
| <input type="checkbox"/> Binoculars | <input type="checkbox"/> Antiseptic ointment |

THE LANDMAR STORY

At LandMar Group, we built our leadership in the industry like we build our communities – with a strong foundation in quality. Since 1987, LandMar has set the quality and value standard for premier residential properties throughout Florida and the Southeast.

✓ Our record of performance and rock-solid financial strength enables us to work with the finest homebuilders, designers and construction firms. And our nationally-known golf management professionals at Hampton Golf provide unparalleled management of our top-rated courses.



Roger Postlethwaite, LandMar COO, Ed Burr, LandMar Founder, and MG Orender, Hampton Golf and PGA President

Today, as an affiliate of Crescent Resources and Duke Energy, we're expanding our leadership position with an even wider array of residential, commercial and mixed-use properties throughout the Southeast – all built with unequalled attention to the surrounding community and the environment.

CRESCENT COMMUNITIES

LandMar
Creating communities for life.

Miller, Janet

From: Steveb239@aol.com
Sent: Saturday, August 24, 2013 9:34 PM
To: Local Planning Agency
Subject: Fwd: Comments on River Hall - CPA 2012-00001
Attachments: rv.1.comments.docx; hallAug.Comments.docx

From: kimelk@netzero.net
To: apiercegardner@gmail.com, mhutchcraft@cclpcritus.com, nandress@comcast.net, happyoldfogey@aol.com,
rstrelow@comcast.net, jim@jimgreenrealty.com, steveb239@aol.com, jim@jimgreenrealty.com
Sent: 8/24/2013 2:10:13 P.M. Eastern Daylight Time
Subj: Comments on River Hall - CPA 2012-00001

To All Members of the LPA,

As the President of The East Lee County Council, a consortium of four planning areas (Alva, Bayshore, Buckingham and Fort Myers Shores) , and Chairman of the Caloosahatchee Shores Planning Committee; it is my obligation to provide you with a brief summary of our rationale for NOT supporting the application,

Please see the attachments to this message for further details.

Ed Kimball

One Weird Trick

Could add \$1,000s to Your Social Security Checks! See if you Qualify...
newsmax.com

Comments relating to the River Hall CPA 2012-00001 Application:

1. Private investment performance is based on, how planned risk is managed in order to provide a successful outcome. The River Hall property venture had financially failed before the current acquisition by Greene Pointe LLC; with some of the same partnership. The application seeks to provide increased density to enhance the probability of profitability, serving a private need and not a public necessity. Every construction venture was negatively impacted by the economic turn-down in recent times and few areas more than Lee County.
2. This application is a precedent setting proposal that puts forth a concept that jeopardizes **ALL** Community Plans. It proposes utilizing the Plans as a "Bail-out" mechanism based on density increases, as a tool for attaining profitability. In essence this application, if approved, would decimate "smart growth planning" County wide. ME TOO! most certainly would be a common refrain.
3. As the Land Use Map does indicate, every land use category abuts another and contains different density parameters. Each category has an entitlement assigned to its name. The category is important in the Real Estate Market, as it has more or less value based on the entitlement. Approval of this application would have a negative Real Estate Market impact, as it would provide artificially lower building lot costs for River Hall; to the detriment of competing private ventures.
4. In recognition of the potential density attack, by development interests, and to protect the diversity of use concept; Four Community Plans in East Lee County restrict Rural Land Use changes to cases where an Overriding Public Necessity can be demonstrated.

East Lee County Community Plans Lee Plan Policy Statements
on Rural Land Use

Caloosahatchee Shores (aka Fort Myers Shores) Plan pg.124

POLICY 21.1.5: One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its rural character and rural land use where it currently exists. Therefore, no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. (Added by Ordinance No. 09-06)

Alva Community Plan pg147

POLICY 26.2.2: Land use amendments that would increase the allowable total density of Alva are discouraged. Land use amendments that would decrease the allowable total density of the area and that are otherwise consistent with the objectives and policies of this goal are encouraged in Alva. No land use amendments to a more intensive category will be permitted unless a finding of overriding public necessity is made by a supermajority of the members of the Board of County Commissioners. (Added by Ordinance No. 11-21)

Bayshore Plan pg122

OBJECTIVE 20.1: LAND USE. The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after March 11, 2003, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. (Added by Ordinance No. 03-02)

Buckingham Community Plan pg106

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham Community is 'Rural Community Preserve'. Other land use designations exist within the Buckingham Community, such as Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public Facilities have also been designated as appropriate. No land in the Buckingham Community will be changed to a land use category more intense than Rural Community Preserve (including public facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. Land use decisions will be guided by preserving the rural and agricultural land use pattern. (Amended by Ordinance No. 00-22, 10-15)

In order to meet the "overriding public necessity" requirement, the entirety of the project would have to be providing public service functions and ancillary support facilities, as a total project. The existing River Hall project is a Residential Planned Development and was approved as such; it will continue to be under the current proposal. In its entirety it is a private enterprise for private benefit.

5. The Staff Report analysis of each of the Applicants points of contention does not use the word "necessity" to describe any subject matter in the application. (Attached is a word key that I found helpful in my evaluation).

River Hall

Word Key:

Over-all: as a whole, generally

Overriding: prevailing, dominate, above all else.

Necessity: indispensable requirement, an urgent need.

Enhancement: improvement, desirable, or attractive

Entirety: whole of something, completeness, totality

Need: a lack of something desirable or useful.

Amenities: a convenience

Adequate: lawfully and reasonably sufficient, satisfactory, and merely marginal.

Bail-out: to help from a predicament

Public: the people in a region as a whole, a group of people having common interests.

Private: restricted to a specific use or benefit to a particular group or entity.

Requirement: necessity, paramount essential condition.

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Andrea Fraser
Interim County Attorney

Laura B. Belflower
Acting Chief Hearing Examiner

August 26, 2013

Brandon D. Dunn, Senior Planner
Lee County Division of Planning
1500 Monroe Street
Ft. Myers, FL 33902-0398

Re: CPA2012-00001 and DCI2013-00003

Dear Mr. Dunn,

The purpose of this letter is to provide comments on the proposed amendments to the River Hall Planned Development.

The River Hall Development Agreement (drafted 8/14/2013) states that "Upon completion of design, the Developer will proceed with permitting and construction of the park facilities, provided, however, that Developer's maximum contribution towards permitting and construction of the park will be \$250,000.00. Any additional funding necessary for construction will be provided by the County. Operation and maintenance of the park facilities will be the responsibility of the Developer, and this obligation may be assigned to a Community Development District (CDD)..." The Lee County Department of Parks and Recreation (LCPR) would categorize this as a neighborhood park and has moved away from funding these types of parks. **As a result, any monies required for the construction of this proposed park or future maintenance will not be provided by LCPR.**

Hickey's Creek Mitigation Park (HCMP) is situated east of the River Hall Community. The park was established through the cooperative efforts of Lee County, the Florida Fish and Wildlife Conservation Commission (FWC) and the Florida Communities Trust (FCT) to establish a mitigation park for listed wildlife species, primarily gopher tortoises (*Gopherus polyphemus*), and to support FWC's off site mitigation program. Public access trails were established to provide for **public use compatible with resource protection.**

Exhibit 4 in the revised Public Necessity Narrative dated August 5, 2013 from Morris Depew inaccurately depicts the trail system within Hickey's Creek Mitigation Park (HCMP). In addition to the public access trails, this exhibit highlights service roads, firelines water bodies and the parking lot as "trails". This exhibit provides the erroneous interpretation that public access trails run haphazardly through the park. LCPR staff sent the corrected shapefile to Ms. Ekblad, Morris Depew via email on 8/21/2013. HCMP provides five miles of "hiking only" trails. The actual trail system was designed to utilize existing trails to minimize disturbance to native plant communities. Location of trails was determined with emphasis on limiting disturbances to the federally threatened Florida scrub-jay (*Aphelocoma coerulescens*) population on site. The multi-modal trails that have been proposed

by the developers (Greenpointe Communities, LLC and RH Venture I, LLC) to “eventually connect to HCMP” would not be compatible with the use of the park.

In terms of site security, LCPR has had to deal with trespass issues with motorized vehicles on the western boundary of the park. If a multi-modal trail were to end on the outside of HCMP, this could encourage more unauthorized use of the park. Public access to the park has been designated at 17980 Palm Beach Blvd. in Alva Florida. This designated entrance was designed to ensure appropriate use of the park during operational hours and to ensure that when HCMP is closed for land management activities, that the designated entrance area could be appropriately blocked.

The Right-of-Way Consent Agreement between the Florida Power and Light Company (FPL) and the Lee County Board of County Commissioners dated July 24, 2000 limits the use of the Power line Easement (see attached map) to the construction, maintenance and use of a walking trail within HCMP to the crossing of the Palmetto Pines Trail. The County does not have an agreement for any other public access trails across or on the FPL easement and would not pursue such an agreement.

Currently, the FPL crossing over the East County Water Control District canal (see attached map) just west of the boundary to HCMP is blocked by concrete structures to prevent any safe access to the site. LCPR recommends that if a multi-modal trail is constructed, that its east/ west path terminate on the western side of the canal and continue north or south on the west side of the canal.

LCPR acknowledges that the developers propose to increase density within the existing approved development footprint. The increase in density within this area will increase the number of people that may come into contact with smoke from prescribed fires conducted within HCMP – especially with the addition of multi-family units. Fire is a vital, natural process in many Florida plant communities. Prescribed fire is used to reduce fuel loads, improve wildlife habitat – especially for listed species, decrease the rate of invasion by certain exotic species, reduce pest insect populations, aid in the restoration of native fire-dependent ecosystems and reduce the risk of catastrophic wildfires. Periodic prescribed fires are essential to the proper management of HCMP. Consequently, FWC and LCPR will continue to use fire as a management tool on HCMP. Additionally, River Hall's own conservation lands, when managed with fire (or as the recipient of lightning strikes) will produce smoke that may affect the increased population of the development. LCPR requests that future home owners are made aware that they would be living in close proximity to a Conservation Area that uses prescribed fire as a management tool.

Thank you,

A handwritten signature in black ink, appearing to read 'Annisa Karim', with a stylized flourish extending to the right.

Annisa Karim
Senior Supervisor, Conservation Lands
Lee County Department of Parks and Recreation



Hickey's Creek Mitigation Park (HCMP) and area west of the Powerline Easement



Legend

- HCMP
- Powerline Easement
- Conservation 20/20 Parcels incorporated into HCMP
- Hickey's Creek
- Hickey's Creek Trail (1.8 miles)
- North Marsh Trail (1.0 miles)
- Palmetto Pines Trail (2.2 miles)

0 0.25 0.5
Miles

This map is not a survey and is intended for informational purposes only.

H\Hickey's Creek Mitigation Park\Mapos:
HCMP_RiverHall-Map
Map created by Annisa Kairim
(AKairim@LeeGov.com)
Aerial image: 2012
Created: August 2013

Karen Asfour

From: hgang1@aol.com
Sent: Thursday, August 22, 2013 5:38 PM
To: jim@jimgreenrealty.com; apiercegardner@gmail.com; mhutchcraft@ccipcitrus.com; nandress@comcast.net; happyoldfogey@aol.com; rstrelow@comcast.net; Steveb239@aol.com; karenaz4@comcast.net; hgang1@aol.com
Subject: Letter to East Lee County Land Plan Committee

To: LPA Board
From: Michele Holcomb
River Hall Community resident
Date: August 22, 2013

Reference:

Monday August 26, 2013 at 8:30 am LPA Hearing
regarding Proposal to Change River Hall Golf Community from Rural
Designation in order to Increase Density

Dear Sirs:

I have been a resident of River Hall Golf Community for 6 years.
My husband and I built in this community to enjoy the rural nature of this upscale golf community.

I do not want the ordinances and regulations changed from rural to allow a higher density in our community. It would affect the character and rural atmosphere that initially attracted us to River Hall.

In addition, safety is a major concern, as we do not want increased density traffic for us or River Hall Elementary School that is in our community.

Thank you for your consideration.

Sincerely,

Michele A. Holcomb
16016 Herons View Dr.
Alva, Fl. 33920

GOOD MORNING

MY NAME IS MILTON SAGER
I REPRESENT MICHAEL AND GLORIA SCHARFMAN
OF 1280 BLUFFS CIRCLE, DUNEDIN, FLORIDA
WHO OWN PROPERTY ON HIGHWAY 80
ACROSS FROM THE RIVER HALL DEVELOPMENT
HERE IS A COPY OF THE LEGAL DESCRIPTION OF THAT PROPERTY.
THEY INSTRUCTED ME TO SUPPORT THE REQUEST
FROM RIVER HALL FOR THE ADDITIONAL 1000 UNITS
TO BE ADDED IN THEIR DEVELOPMENT.



Lee County Property Appraiser

Tax Year

[Next Lower Parcel Number](#) [Next Higher Parcel Number](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)

Property Data for Parcel 27-43-26-00-00001.0020

Owner Of Record

SCHARFMAN MICHAEL + GLORIA
1280 BLUFFS CIR
DUNEDIN FL 34698

Site Address

15131 PALM BEACH BLVD
ALVA FL 33920

Legal Description

PARL IN NW 1/4 OF NW 1/4
N OF SR 80 DESC
IN OR 1021 PG 255

Classification / DOR Code

VACANT COMMERCIAL / 10

[Tax Map Viewer]



[Pictometry Aerial Viewer]



Seal 360 Consulting, Inc.
16550 Goldenrod Lane #103, Alva, FL 33920

I respectfully ask that you please consider voting against GreenPointe's request to increase the density in Riverhall.

Lee County home values have plummeted and the density increase will only add to the inventory of home sites which could further impact values.

David Depew agrees a recent US Supreme Court ruling bottom line is: once a permit is issued, any environmental issues become the responsibility of the tax payers, *not the developer*.

The environmental impact of the current density is not a proven fact. The question then is what will the environmental impact and the increased carbon footprint be from 1000 more home sites, potentially 2500 more people and 1500 more vehicles?

There is the issue of past due taxes that went unpaid by GreenPointe. How does that show good citizenship by the company?

In view of these and other issues and the fact that there is no overriding necessity, please vote against the request.

Unfortunately, I will be traveling for the next two weeks and cannot attend the meeting on the 26th.

Thank you for your consideration in this matter.

Skip Seal
LEED AP, I.C.E. GB, GCS
[918 607 5597](tel:9186075597)
skip@seal-360.com
www.seal-360.com

Presentation to LPA on Monday, August 26, 2013

I am reading this for Jimmy and Peggy Savin who live at 17255 Walnut Run Drive. Jimmy had a stroke on August 18 and is presently in Lee Memorial ACUTE Rehab Center after having had the stroke while visiting with friends in Missouri.

We have lived in River Hall Country Club since 2009. We moved there to be close to nature and bought a spec home that is the farthest home back in the community. We have wildlife all around us. We walk our golden retriever several times every day in what we call "The Outback". It is a preserve area where we see panthers, bobcats, turkeys, eagles, wild boars, otters, many kinds of shore birds and ducks, great horned owls, barred owls, and burrowing owls. But most importantly we have seen panther tracks, scat and a tree stripped by a panther to designate his territory. This was confirmed by someone from Florida Wildlife who saw a photo we took of the tree. Many other River Hall residents have also reported panther sightings. Both of us have taken University of Florida courses to become certified Florida Master Naturalists. Because of our love of wildlife, we volunteer at Manatee Park, Hickey Creek Mitigation Park and Caloosahatchee Regional Park.

The management company at River Hall has been using trappers to get rid of alligators from the lakes within River Hall. We agree that larger alligators should be removed, but if we remove all of the smaller ones we will be upsetting the eco-system. In fact they are using recordings to call the alligators that we understand is highly against the law. Once the alligators are captured we were told by the trappers that they are killed and sold for their parts.

In the years that we have been in River Hall, we have not seen any promotional advertising for River Hall anywhere in newspapers, on TV or radio. The original developer Landmar, now Greenpointe, has not done anything to retain builders to develop the existing lots. In fact they have impeded getting builders to come by making it next to impossible. At least 5 builders have wanted to get into the development and have been turned away for one reason or another. The developer did allow a builder to come into the country club area, but did not make them adhere to the standards of the other existing homes, size of homes and the type and amount of landscaping around the homes. We have at least 80% of the original development that has not been built on yet. Why do they need more lots when they are not using what they already have? Why are they not promoting the development as a wonderful rural community with nature at your back door? We don't understand why the developer wants to change the entire original development concept from rural to outlying suburban.

Jimmy and Peggy Savin

17255 Walnut Run Drive

Alva, FL 33920

239-689-5151

jsps1@comcast.net

grounded - narrow band

Sand Hill Crane - 2 featured



Black Bear - Managed

Black Bear - Managed



The adopted policy language for the Caloosahatchee Shores Community Plan discourages amendments to Rural lands unless there is a finding by the Board of an overriding public necessity. We have reviewed the GreenPointe Communities proposal and found their demonstration of public necessity lacking in any real substance or justification to support approval of the requested amendment.

As justification for an overriding public necessity, GreenPointe has proposed the following:

1. Update the River Hall development plan to establish and promote a viable, successful subdivision. Yet, to date, they have demonstrated a total lack of interest in building homes on the lots already in place and approved. There are already sufficient building lots available at River Hall to handle population growth in East Lee County, without the additional 1000 units requested in the amendment. Re-establishing the economic vitality and property values of the project will occur when the developer shows a willingness to develop the property to the current approved plan.
2. Provide public multi-modal trail facilities for non-vehicular access to amenities, recreational, shopping and school facilities. In fact, the proposed multi-use trail is part of the existing River Hall development plan and has yet to be built – nothing new here to require an amendment. We live directly adjacent to the designated trail location which runs along the FPL utility easement and, on numerous occasions, have witnessed the unlawful use of this currently unpaved trail by operators of trucks, motorcycles and ATV's. Paving the trail will increase its unlawful use. River Hall is a gated, restricted access community and the addition of a paved, public access trail, raises serious security and safety concerns.
3. Expedite a second, southern, access point to Lehigh Acres near Ruth Avenue. The southern access is a part of the current River Hall development plan and does not require a plan amendment to include it – it merely needs to be built. Our concern again is related to community safety and security. Review of the local crime reports show high numbers of property crimes, assaults and registered sex offenders in the adjacent Lehigh Acres community. Currently River Hall is insulated somewhat from the criminal activity by a canal system that borders the two communities. Adding southern access across the canal, gated or not, increases the probability that River Hall residents will be victimized.
4. Escrow funds for the construction of a stoplight at the entrance to River Hall. We believe that the stoplight will eventually be added with or without GreenPointe's contribution and view this as nothing more than the developer attempting to win approval by sweetening the pot.

In summary we respectfully disagree with the findings of the Lee County Planning Division Staff Report that the current character of River Hall will not be substantially altered by the proposed amendment...it will be. As property owners and full time residents of the River Hall CC, we are requesting that your recommendation to the County Commissioners is for denial.

Thank you,

Tom and Sandi Migliore
16444 Windsor Way
Alva, FL 33920

Dear Board Members,

My name is Connie Rennie.

I live in Alva, I am a taxpayer, and concerned about how our county taxes are being spent. Many

thousands of dollars have been allocated to community groups to create plans representative of the

people in the community. I am a member of Alva Inc and a volunteer who has spent many hours

working on these plans over the years. We have spent many hours consulting with county staff to

develop these plans to meet the criteria of the Lee County Comprehensive Plan and ~~many~~ thousands of

dollars working with a community planner. One of the most important issues ^{*like Caloosa shores*} that we included as a rural

community is not to increase density. It distresses me that a group in charge of a development that is

currently only 30% filled is applying to unnecessarily amend a plan that so many people have worked

on together, costing many tax dollars and hours of time. These are some of the reasons I object to an

increase in density at River Hall that involves changes in their community plan.

*Please
note no for this proposed amendment.*

Connie Rennie

Ruby Daniels

Alva Inc is here to support the residents of Riverhall and the Planning Community of ~~Fort Myers Shores~~ ^{Caloosahatchee Shores} in their opposition to proposed amendment 2012-01. We have several issues with this proposal. The first is density. The primary motivation for community planning in rural areas is to maintain rural character and rural land use by keeping the density low, i.e., 1 unit per acre. When rural density is doubled that is urban ^{1.0 → 1.5} sprawl. ~~When the area is surrounded by other land categories that is an enclave of urban sprawl.~~ ^{It changes the character from rural to urban.} We strongly oppose taking away rural lands. We see no benefits to the residents of Riverhall and other rural communities in Lee County in this proposal.

Our next issue is the way the language "overriding public necessity" has been skewed to ~~accept~~ ^{define} enhancements as overriding public necessities.

All of the East Lee County Planning Communities have language in our plans similar to ~~Fort Myers Shores~~ ^{Caloosahatchee Shores} - no increase in density without a finding of "overriding public necessity" by the BoCC. Staff points out the Lee Plan does not provide a definition of "overriding public necessity". We say the language defines itself. All of us learned the difference between a need and a want when we took Economics 101 in college or through life experiences in our youth, commonly referred to as the School of hard knocks" A need is something that cannot be done without, it ^{prevails} ~~prevails~~ ^{priority} over everything else. Public means all of us, not a select few. And overriding means prevailing, more important than anything else. If a legal definition is desired, then look to legal proceeding that have been used to defined the term. There are other ways to provide the enhancements listed as "needs" in Riverhall than to take away the rights of the residents who live there and degrade their community. If the list of proposed needs were truly needs you would see groups of civic minded people meeting to discuss the problem and seek solutions, and perhaps people demonstrating on the streets, demanding government action to correct the problem. That is not happening. The developer has not demonstrated how the enhancements equal need. If the rural lands in Riverhall can be ~~reclassified~~ ^{designated} from rural to suburban on a made-up list of needs, then the same thing can happen to the Communnity Plans in Alva, North Olga, Buckingham, Bayshore, Pine

Ruby Daniels

Island and any other community that tries to protect its rural lands. Approval of this proposed amendment will be a precedent we should not set. .

Our third issue is the EAR amendments. What will happen to the EAR amendments if this proposal is ultimately approved. How well will a TDR program work if a developer can get ^{extra} free density by creating a list of ^{amenities and calling them needs} needs that are at best amenities. How will we write a new mobility plan that encourages development in urban areas instead of rural lands?

We ask you to stand up for our rural communities, ~~and~~ uphold our Community Plans.

~~not accept such a farmy interpretation of~~ overriding public ~~need~~ necessity
When a true overriding public necessity arises, we will advocate for it as strongly as we oppose this very bad plan. Deny it, please.

→ in East Lee County

public
need
necessity

Whenever somebody says they will or will not do something, their trustworthiness immediately comes into play. That is especially true in this case.

The developer, same people, different name, made a promise to the county, surrounding communities, and River Hall residents that it would develop River Hall based upon what had been approved, 1,999 units. Almost immediately following the approval, the developer began the process to increase the number of approved units. This makes the third attempt.

When I mentioned the credibility issue to a member of the Lee County Planning Department, he stated he would make sure anything the developer committed to would be in a legally binding document. In my opinion, that doesn't mean much.

The developer controlled CDD Board decided not to abide by a legal document it willingly signed, and which was filed with the court...a mediation settlement agreement. My wife and I had to file a lawsuit to compel the CDD to maintain a berm on our property, which is part of the stormwater drainage system in River Hall. It agreed to maintain and repair the berm in the mediated settlement agreement, but when it came time to do so, it refused, until the South Florida Water Management District threatened to fine it \$10,000 per day. Then, and only then, was the repair made.

7 The chairman of the CDD, also the president of GreenPointe, signed an affidavit stating that he had the authority to commit the CDD controlled property to the land use change. He did not have that authority, and when I contacted the interim county attorney to insist the process be halted because of that fact, the affidavit had to be brought back before the CDD and ratified, 7 months after it had been signed. It was ratified by a 3 to 2 vote, with the developer controlled board members voting in favor, and the two resident members voting against. Neither I nor the other resident of the CDD board was informed of the fact that CDD property had been committed to this change until it was discovered months later.

Times that are too numerous to mention, the developer made promises to the residents, only to back off those promises. The residents no longer have any faith in anything this developer says.

This developer has repeatedly demonstrated that it cannot be trusted. That is just one of the many important reasons why this request should be denied.

Paul D. Asfour, River Hall resident and member of the River Hall Community Development District.

Karen Asfour
River Hall
17131 Easy Stream Ct.

I am requesting that you oppose transmittal of this amendment.

1. First, it is in conflict with the Community Plans Ordinance 09-06, when it comes to meeting the overriding public necessity requirement.

Necessity is defined as great or imperative need; something that cannot be done without.

Public is concerning the people as a whole or the community at large.

Overriding is most important or highest in priority.

Public Necessity as defined in the Florida Administrative Code means improvements required for the protection of the health and safety of the public.

The staff report states: "The applicant has committed to a variety of improvements to address "overriding public necessity" by providing needed and desirable community amenities."

Amenities are attractive or desirable features, conveniences.

This change does not meet the meaning of necessity, much less overriding public necessity.

2. This application promotes spot planning by setting up enclaves of different Land Use categories that would eventually lead to spot zoning within one gated community. This would change the character of the community as established by the original plan. The purpose of ordinance 09-06 is to have a balance of growth and retain the rural atmosphere that attracts people to this part of the county. According to the staff report, this would remove ^{most} all rural acreage in the Ft. Myers Shores Planning Community.

These issues alone could set disastrous precedents within all Lee County.

3. There are Safety Issues concerning Emergency access, Hurricane Evacuation and school opening and dismissal. The additional entrance suggestions of Ruth and Tena are accessed by substandard roads. The Fire and Rescue efforts for River Hall are from the Ft. Myers Shores station on Palm Beach Blvd. Traveling down Buckingham Road would add miles and time for

emergency vehicles. From Buckingham Road to the Ruth entrance requires 6 turns on narrow roads.

Routing even half the residents onto this maze of substandard roads is not a smart hurricane plan. The main entrance on Highway 80 by way of River Hall Parkway would be the primary evacuation route.

Increased traffic in front of River Hall Elementary school will be terrible, especially since construction workers arrive and depart during school arrival and departure times. This makes it very dangerous, especially to those students who walk.

- 4. The developer claims that the community may fail if this change is not approved. That problem is self-imposed. While building is increasing throughout Lee County, this developer has done nothing to promote River Hall since it bought it three years ago. Happy residents with nothing but praise for the developer will do more to make it succeed than additional bike paths and walkways .**
- 5. There is concern in the state with increased human contact and pollution of endangered species and their habitat. This increase will impact the endangered, protected and managed species living in the preserves and adjacent Hickey's Creek area, specifically, the Black Bear, River Otter, Sand Hill Crane and Gopher Tortoise found on the property.**

I am requesting that you vote against transmitting CPA 2012-00001 for the following reasons.

1. This application is in conflict with the Community Plans Ordinance 09-06 that states:

“One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its rural character and rural land use where it currently exists. Therefore, no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of **overriding public necessity** is made by three members of the Board of County Commissioners.”

Webster’s Dictionary defines Necessity as great or imperative need; something that cannot be done without.

Public is defined as concerning the people as a whole or the community at large.

Overriding is defined as most important or highest in priority.

The items listed on the applicants Demonstration of Need, are not things of imperative need or of highest priority to the community at large. They are amenities. In fact, the staff report notes that “The applicant has committed to a variety of onsite and offsite improvements to address the Board’s required finding of “overriding public necessity” by providing needed and desirable community amenities.”

Amenities, according to Webster, are attractive or desirable features, conveniences.

This change does not meet the meaning of necessity, much less overriding public necessity.

2. This application promotes spot planning by setting up enclaves of different Land Use classes that would eventually lead to spot zoning within **one** gated community. This would change the whole character of the community as established by the original plan development order. Ordinances were established with the help of civic associations to assist with proper growth in east Lee County. The purpose of ordinance 09-06 is to have a balance of growth and retain the rural atmosphere that attracts people to this part of the county.

These first two issues alone could set disastrous precedents within Lee County, generally, and East Lee County, specifically.

3. There are several Safety Issues concerning Emergency access, Hurricane Evacuation and school opening and dismissal. The additional entrance suggestions of Ruth and Tena are accessed by substandard roads. The Fire and Rescue efforts for River Hall are from the Ft. Myers Shores station on Palm Beach Blvd. Traveling down Buckingham Road would increase the Buckingham Preserve traffic and ultimately add miles and time to the trip by taking the emergency vehicles out of the way. From Buckingham Road, the Ruth entrance requires 6 turns on narrow roads. This would be the same problem with evacuating the 7,500 residents during a hurricane. Dumping even half that number of residents onto the maze of substandard roads to the South is not a smart hurricane plan. The main entrance on Highway 80 by way of River Hall Parkway would be the primary route to evacuate the residents. Also, the increased traffic in front of River Hall Elementary school will be incomprehensible. The increase in construction workers

arriving and departing during school arrival and departure times makes it even more dangerous, especially to those students who walk.

4. This developer is not a good steward to the county, the surrounding community, or River Hall residents. Taxes were not paid to the county for several years on much of the property and there is still \$140 thousand dollars overdue on the golf course alone.
The developer agreed to the development plan as previously approved and made a promise to the surrounding community to maintain this plan. However, they have tried to change it three times including this present amendment.
And finally, the residents were promised a way of life if they bought in River Hall one of “serene open spaces”. Now the developer wants to break that promise by changing the character of the community from a rural setting to a suburban one.
5. The applicant stated in the application that the proposed additional units will be constructed within the development footprint that has already been approved, with no impacts to existing or approved conservation areas or community amenities.
The amendment would increase the number of residents within the River Hall community to approximately 7,500. This will definitely impact the endangered, protected and managed species living in the preserves and adjacent Hickey’s Creek area by increasing human contact with them. An increase in the pollution of their habitat is inevitable. The species known to be on the River Hall property include Black Bear, River Otter, Florida Panther, Alligator, Sand Hill Crane and Gopher Tortoise.
6. The staff report states that the character of the community will not change if this amendment is approved. That is incorrect. Adding 2,500 more people to a community that was designed for 5,000 will definitely change the character of the community. The Golf Course and Amenity center will not be able to handle 7,500 people, and neither will the main roads within the community, namely River Hall Parkway and River Golf Circle on which most, if not, all residents will travel.
7. The developer claims that the community may fail if this change is not approved. But that problem is self-imposed. The developer has done nothing to promote the community since it bought it three years ago. Other developers in the area have continued to market their communities and have increased building in the last few years. Residents in River Hall are concerned about the commitment made to them upon their investment in the community. Many residents have stated that if this amendment is approved, they will not be able to trust what will happen in the future. They can’t trust the developer now and they wonder if they can trust the county to uphold the ordinances made to protect residents. This question of trust will do more to “fail” a community than continuing with the previously promised development. Happy residents with nothing but praise for a development do more good than bike paths and walkways to a defunct shopping center.

Thank you,
Karen Asfour
17131 Easy Stream Ct.
River Hall







DIRECTIONS



Starting Address: 8701 Astronaut Blvd Cape Canaveral FL FL 32920
 Destination Address: 5645 N Atlantic Ave 32931
 Total Distance: 1.9 miles

Directions

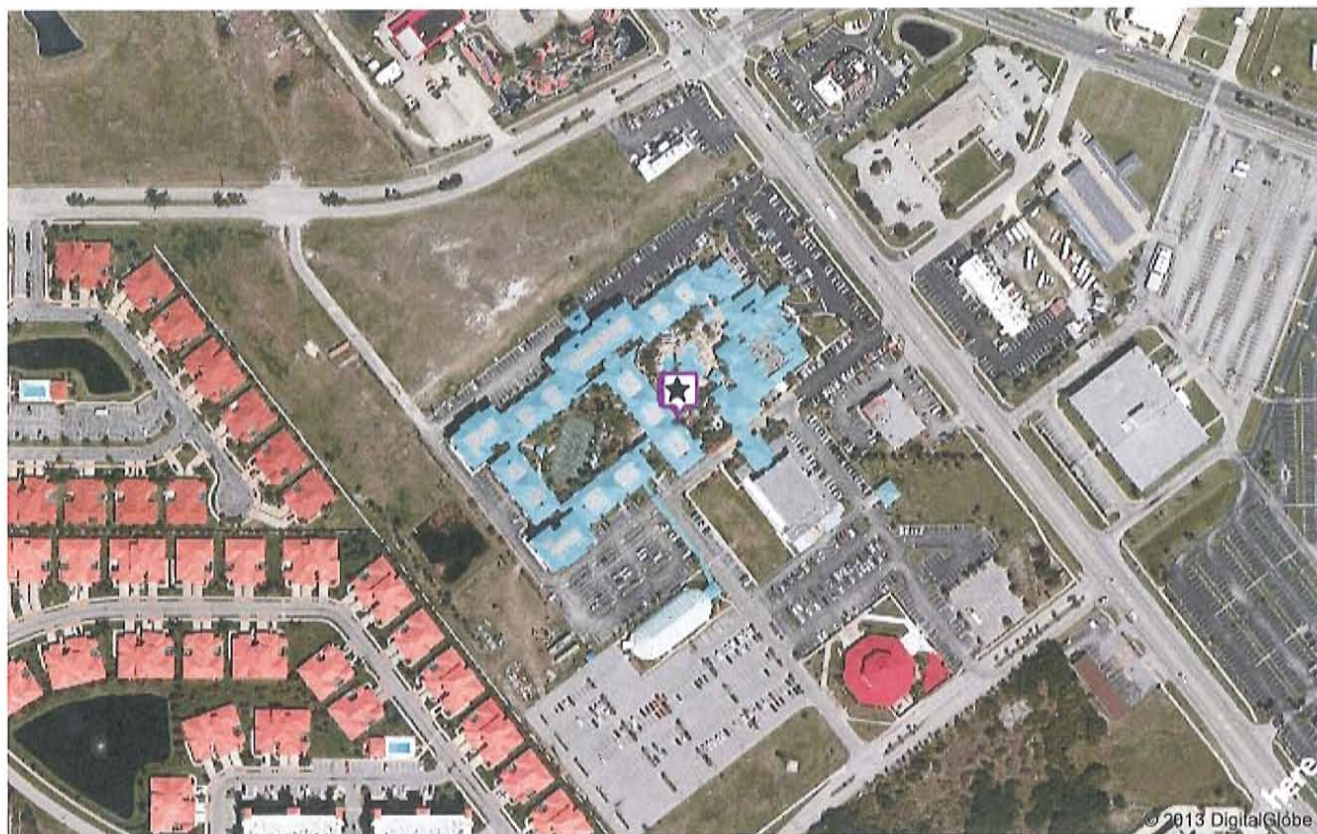
1. Start out on SR-A1A (Going Southeast) 1.87 miles

Distance





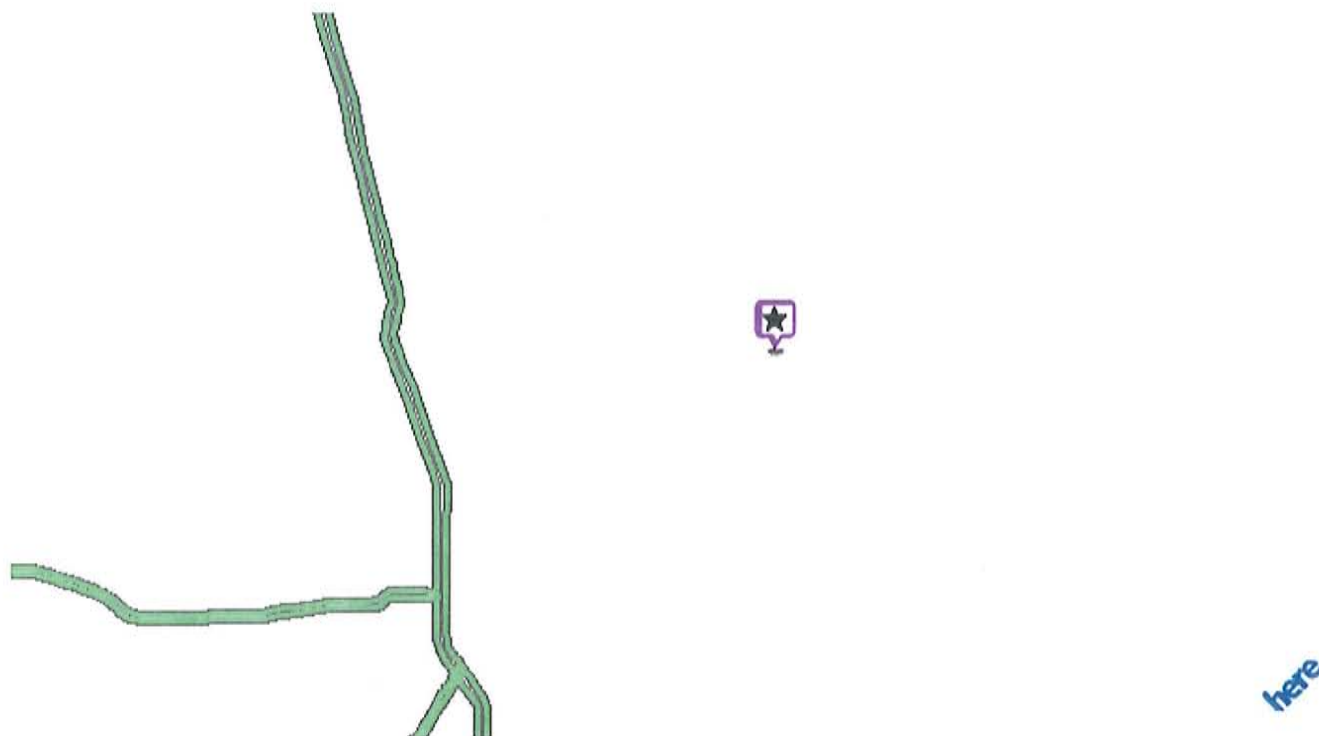
8701 Astronaut Blvd, Cape Canaveral, FL 32920-4307



When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



8701 Astronaut Blvd, Cape Canaveral, FL 32920-4307



When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

CPA2012-00001

Original number of units-River Hall CC, Hampton Lakes & Cascades	1,999
Cascades units - not included in CPA2012-00001	<u>575</u>
Balance of units - River Hall CC & Hampton Lakes	1,424
Additional units requested - River Hall CC & Hampton Lakes	<u>1,000</u>
Total proposed units - River Hall CC & Hampton Lakes	<u><u>2,424</u></u>
Percentage increase in units - River Hall CC & Hampton Lakes	<u><u>70.22</u></u>

Proposed emergency access - intersection



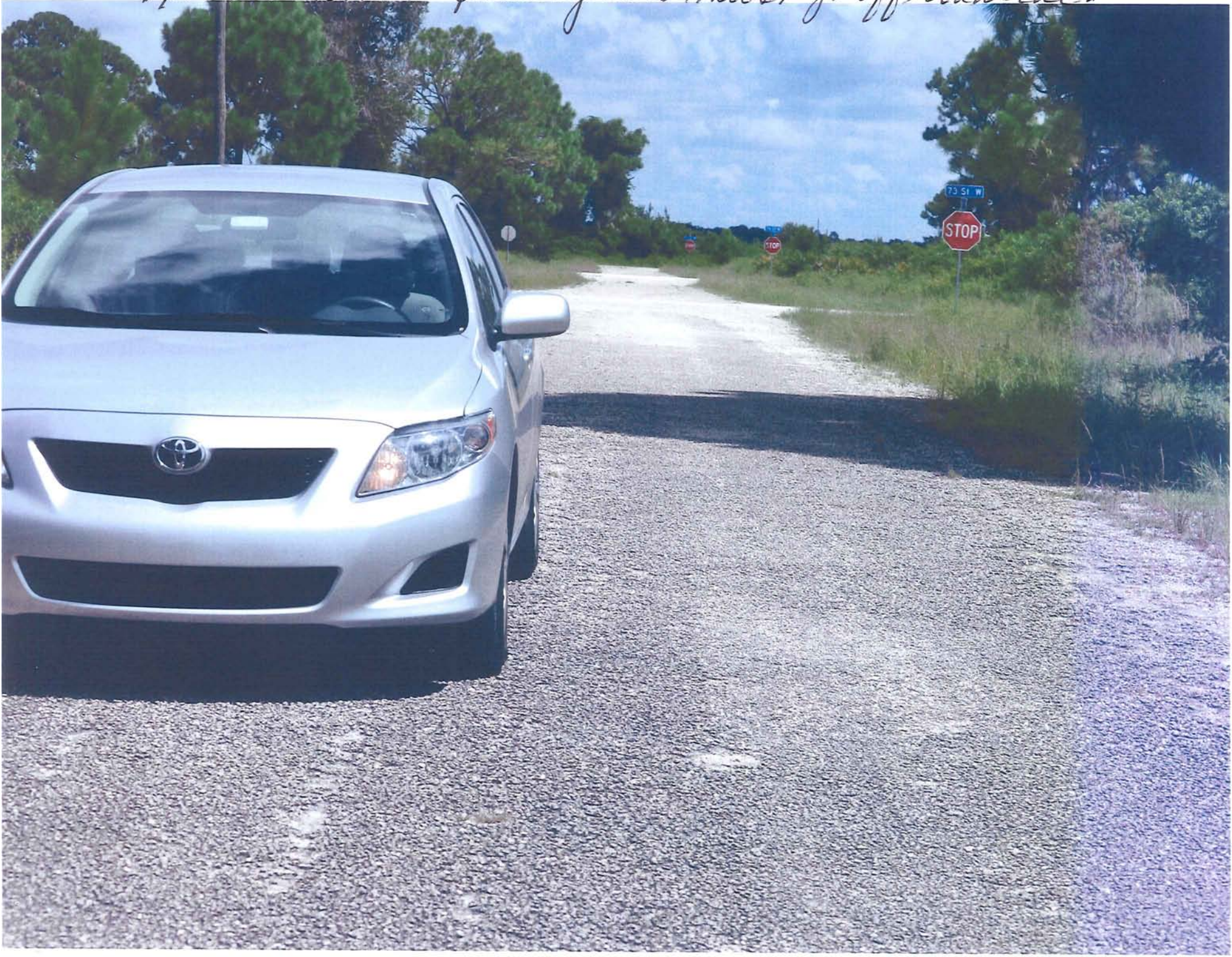
Proposed emergency access



Looking down Rutch from 75th



Narrow roads: passing cars must go off roadside.



SAFETY

I am requesting that you vote against transmitting this amendment because:

There are several Safety Issues concerning Emergency access, Hurricane Evacuation and school opening and dismissal.

The additional entrance suggestions of Ruth and Tena are accessed by substandard roads. The Fire and Rescue efforts for River Hall are from the Ft. Myers Shores station on Palm Beach Blvd. Traveling down Buckingham Road would increase the Buckingham Preserve traffic and ultimately add miles and time to the trip. From Buckingham Road, the Ruth entrance requires 6 turns on narrow roads.

This would be the same problem when evacuating the 7, 500 residents during a hurricane. Routing even half that number of residents onto the maze of substandard roads to the South is not a smart hurricane plan. The main entrance on Highway 80 by way of River Hall Parkway would be the primary route to evacuate the residents.

Also, the increased traffic in front of River Hall Elementary school will be incomprehensible. The increase in construction workers arriving and departing during school arrival and departure times makes it even more dangerous, especially to those students who walk.

We, the undersigned residents of the affected areas, object to the approval of both CPA 2012-00001 and DCI2013-00003 which increase the density in the River Hall development by 1,000 units.

COMMUNITY: CASCADES @ RIVER HALL

Copies

PRINTED NAME	SIGNATURE	ADDRESS		TELEPHONE NO.
		NUMBER & STREET	STATE & ZIP CODE	
STEVEN REZNITSKY	<i>Steven Reznitsky</i>	3207 APPLE BLOSSOM DR	ALVA FL 33920	239-690-0059
Joseph E Metcalfe	<i>Joseph E Metcalfe</i>	15399 Yellow Wood Dr	ALVA FL 33920	239-432-6344
Paul D. Ravitch	<i>Paul D. Ravitch</i>	15391 Yellow Wood Dr	ALVA, FL	239-694-2634
ARLENE DISTACHER	<i>Arlene Distacher</i>	15298 YELLOW WOOD DR.	ALVA, FL	239-432-9759
DAVID MORIARTY	<i>David Moriarty</i>	15312 Yellow Wood DR	ALVA, FL 33920	239-693-1981
Edward Kincke	<i>Edward Kincke</i>	15328 Yellow Wood Drive	ALVA, FL 33920	239-694-5545
SUSAN ROBERA	<i>Susan Robera</i>	15311 Yellow Wood DRIVE	ALVA, FL 33920	239-454-8129
KARIN HERBST	<i>Karin Herbst</i>	15067 Citrus Tree Ct	ALVA, FL 33920	239-400-1956
ROBERT THEISS	<i>Robert Theiss</i>	15194 YELLOW WOOD	ALVA FL 33920	239-689-1952
VON R. KILL	<i>Von R. Kill</i>	2968 Apple Blossom	ALVA, FL 33920	239-694-7754
William J Herbst	<i>William J Herbst</i>	15067 CITRUS TREE CT	ALVA FL 33920	573-552-1152
HARRY F. LEE	<i>Harry F. Lee</i>	15126 LIGUSTICIA	ALVA FL 33920	302-697-1231
HARVEY BRAND	<i>Harvey Brand</i>	15364 YELLOW WOOD DR	ALVA FL 33920	239-693-9984
Greg Urbank	<i>Greg Urbank</i>	3109 Apple Blossom Dr.	ALVA FL 33920	239-560-5001
THOMAS HUGHES	<i>Thomas Hughes</i>	2281 Summersweet Dr.	ALVA FL 33920	239-691-4489
Bruce Peterson	<i>Bruce Peterson</i>	3191 Apple Blossom Dr.	ALVA, FL 33920	239-694-5111
JOE DE MARIA	<i>Joe De Maria</i>	15360 YELLOW WOOD DR	ALVA FL 33920	690-1518
Stephen Frey	<i>Stephen Frey</i>	2813 Apple Blossom Dr	ALVA FL 33920	693-5586
Helene Frey	<i>Helene Frey</i>	2813 Apple Blossom Dr	ALVA FL 33920	693-5586
DESY SELIGMAN	<i>Desy Seligman</i>	15360 Yellow Wood Dr	ALVA FL 33920	690-1518
Sharon Bosworth	<i>Sharon Bosworth</i>	15308 Yellow Wood Dr.	ALVA FL 33920	694-1970
IRWIN BOSWORTH	<i>Irwin Bosworth</i>	15308 YELLOW WOOD DR.	ALVA, FL 33920	694-1970
Linda McKinney	<i>Linda McKinney</i>	15375 Yellow Wood Dr	ALVA FL 33920	694-2863
HOWARD GOTTLIEB	<i>Howard Gottlieb</i>	15391 Yellow Wood Dr	ALVA FL 33920	931-6651
CHARLES WEHLAN	<i>Charles Wehlan</i>	15298 Yellow Wood DR	ALVA FL 33920	239-344-9201
MARLA REZNITSKY	<i>Marla Reznitsky</i>	3207 Apple Blossom Dr	ALVA, FL 33920	239-690-0059
Marilyn Gottlieb	<i>Marilyn Gottlieb</i>	15342 Yellow Wood Dr	ALVA FL 33920	239-531-6657
Roger Schaffer	<i>Roger Schaffer</i>	2312 Summersweet	ALVA 33920	
Sheldon Hippman	<i>Sheldon Hippman</i>	15344 Yellow Wood	ALVA 33920	239-694-3632
Virginia Wehlan	<i>Virginia Wehlan</i>	15290 Yellow Wood Dr	ALVA 33920	239-344-9207
Ann Hippman	<i>Ann Hippman</i>	15344 Yellow Wood Dr.	ALVA 33920	239-694-3632
Suzanne Keenan	<i>Suzanne Keenan</i>	15391 Yellow Wood Dr	ALVA 33920	239-693-0822
BERNICE TURNER	<i>Bernice Turner</i>	2312 Summersweet Dr	ALVA 33920	239-693-0692
RALPH DISTACHER	<i>Ralph Distacher</i>	15298 yellow wood DR	ALVA 33920	239-432-9759
Sandra Carter	<i>Sandra Carter</i>	15251 Yellow Wood Dr.	ALVA 33920	239-690-1445
Lynna Metcalfe	<i>Lynna Metcalfe</i>	15399 Yellow Wood Drive	ALVA 33920	239-437-6341
Jacqueline McGowan	<i>Jacqueline McGowan</i>	15294 Yellow Wood Dr	ALVA 33920	239-694-6086
JOHN J. MCGOWAN	<i>John J. McGowan</i>	15294 Yellow Wood DR	ALVA 33920	239-694-6086
MARIE RANKIN	<i>Marie Rankin</i>	15391 yellow Wood Dr	ALVA 33920	239-694-2634
DIANE DOERF	<i>Diane Doerf</i>	15383 Yellow Wood DR	ALVA 33920	239-216-0722
BARRY DOERN	<i>Barry Doern</i>	15383 Yellow Wood DR	ALVA 33920	754-610-4113

PETITION IN OPPOSITION TO CPA 2012-00001-RIVER HALL AND REZONING REQUEST DCI2013-00003

We, the undersigned residents of the affected areas, object to the approval of both CPA 2012-00001 and DCI2013-00003 which increase the density in the River Hall development by 1,000 units.

COMMUNITY: CASCADES @ RIVER HALL

PRINTED NAME	SIGNATURE	ADDRESS		TELEPHONE NO.
		NUMBER & STREET	STATE & ZIP CODE	
Gerald Garter	<i>G. Garter</i>	15251 Yellow Wood Dr.	Alva, FL 33920	213-690-1445
GAIL PERSONS	<i>Gail Persons</i>	2232 Summersweet	Alva, FL 33920	239-693-0901
Lynthia Persons	<i>Lynthia Persons</i>	2232 Summersweet Dr.	Alva, FL 33920	239-693-0901
JOYCE LOCKWOOD	<i>Joyce Lockwood</i>	15120 LIGUSTRUM LN	ALVA FL 33920	239-694-1218
MARYANNE TIBORZI	<i>Maryanne Tiborzi</i>	2244 Summersweet DR	ALVA FL 33920	610-357-3909
ANGELOTTI BOREI	<i>Angelo Tiborzi</i>	2244 Summersweet DR	ALVA FL 33920	610-547-2955
Bruce J. Peterson	<i>Bruce Peterson</i>	3191 Apple Blossom Dr.	Alva, FL 33920	239-694-5720
Bonnie M. Peterson	<i>Bonnie M. Peterson</i>	3191 Apple Blossom Dr.	Alva, FL 33920	239-694-5117
Russell Grant	<i>Russell Grant</i>	15320 Yellow Wood Dr.	Alva, FL 33920	239-693-4047
Torah P. Gen	<i>Torah P. Gen</i>	15285 Yellow Wood Dr.	Alva, FL 33920	239-693-4047
Mary Arant	<i>Mary Grant</i>	15320 Yellow Wood Dr.	Alva 33920	239-693-4047

PETITION IN OPPOSITION TO CPA 2012-00001-RIVER HALL AND REZONING REQUEST DCI2013-00003

We, the undersigned residents of the affected areas, object to the approval of both CPA 2012-00001 and DCI2013-00003 which increase the density in the River Hall development by 1,000 units.

COMMUNITY:

Ashton Oaks

ADDRESS		STATE & ZIP CODE		TELEPHONE NO.
PRINTED NAME	SIGNATURE	NUMBER & STREET	STATE & ZIP CODE	TELEPHONE NO.
GARY T. (ARROW)	<i>[Signature]</i>	16540 Goldenrod Lane #103	FL 33920	(239) 353-7532
RENE HANCHER	<i>[Signature]</i>	16550 Goldenrod Lane #203	FL 33920	(306) 961-9460
Cheryl A. Gwizdala	<i>[Signature]</i>	16540 Goldenrod Lane #101	FL 33920	989-860-6015
George Mojo	<i>[Signature]</i>	16521 Goldenrod Lane #103	FL 33920	978-902-7154
JOANNE M. SEALS	<i>[Signature]</i>	16587 Goldenrod Lane #101	FL 33920	412-480-4712
Timothy A. Clark	<i>[Signature]</i>	16571 Goldenrod Lane #101	FL 33920	740-704-9506
Kathryn Clark	<i>[Signature]</i>	16571 Goldenrod Lane #101	FL 33920	740-704-6682
Bridget Young	<i>[Signature]</i>	16571 Goldenrod Lane #201	FL 33920	239-676-1002
Manika Edmunds	<i>[Signature]</i>	16570 Goldenrod Lane #101	FL 33920	239-344-2502
Charles Breeze	<i>[Signature]</i>	16581 Goldenrod Lane #103	FL 33920	239-245-8244
Nancy Breeze	<i>[Signature]</i>	16581 Goldenrod Lane #103	FL 33920	239-243-8244
Raymond J. Sed	<i>[Signature]</i>	16580 Goldenrod Lane #101	FL 33920	(239) 931-5955
SIM PAVAY	<i>[Signature]</i>	16581 Goldenrod Lane #201	FL 33920	239-696-5391
DIANA CAVER	<i>[Signature]</i>	16581 Goldenrod Lane #201	FL 33920	239-696-5391

PETITION IN OPPOSITION TO CPA 2012-00001-RIVER HALL AND REZONING REQUEST DCI2013-00003

We, the undersigned residents of the affected areas, object to the approval of both CPA 2012-00001 and DCI2013-00003 which increase the density in the River Hall development by 1,000 units.

COMMUNITY: Ashton Oaks in River Hall

ADDRESS		TELEPHONE NO.	
PRINTED NAME	SIGNATURE	NUMBER & STREET	STATE & ZIP CODE
Dora Davis	<i>[Signature]</i>	16571 Goldenrod Ln	AL 33920
James Davis	<i>[Signature]</i>	16571 Goldenrod Ln	AL 33920
Lynda Koester	<i>[Signature]</i>	16571 Goldenrod #103	AL 33920
Vicki Koester	<i>[Signature]</i>	16571 Goldenrod #103	AL 33920
Lou Cameron	<i>[Signature]</i>	16570-102 Goldenrod	ONT 33920
Rachel Cameron	<i>[Signature]</i>	16570-102 Goldenrod	ONT 33920
Charles Young	<i>[Signature]</i>	16571 Goldenrod #201	AL 33920
Nancy Day	<i>[Signature]</i>	16540 Goldenrod #202	AL 33920

PETITION IN OPPOSITION TO CPA 2012-00001-RIVER HALL AND REZONING REQUEST DCI2013-00003

We, the undersigned residents of the affected areas, object to the approval of both CPA 2012-00001 and DCI2013-00003 which increase the density in the River Hall development by 1,000 units.

COMMUNITY:

Ashten Oaks

[illegible]

PETITION IN OPPOSITION TO CPA 2012-00001-RIVER HALL AND REZONING REQUEST DCI2013-00003

We, the undersigned residents of the affected areas, object to the approval of both CPA 2012-00001 and DCI2013-00003 which increase the density in the River Hall development by 1,000 units.

COMMUNITY:

Ashton Oaks at River Hall

[illegible]

We, the undersigned residents of the affected areas, object to the approval of both CPA 2012-00001 and DCI2013-00003 which increase the density in the River Hall development by 1,000 units.

COMMUNITY:

River Hall

		ADDRESS		
PRINTED NAME	SIGNATURE	NUMBER & STREET	STATE & ZIP CODE	TELEPHONE NO.
Self Chadwick Lister	Chadwick Lister	16068 Herons View	FLA 33920	502 640 0781
Billy Wassas	Billy Wassas	3113 Moss Way	FL 33920	239 849 5459
Francis J. Kozlowski	Francis J. Kozlowski	3108 Moss Way	FL 33920	(860) 729-4894
THOMAS RICKER	Thomas Ricker	16968 OAKSTAD DR ALVA	FL 33920	781-248-8878
Jeannie Ricker	Jeannie Ricker	16968 OAKSTAD DR ALVA	FL 33920	978-640-0528
James Ricker	James Ricker	16999 OAKSTAD DR ALVA	FL 33920	239-693-1159
Phyllis Ricker	Phyllis Ricker	16974 OAKSTAD DR ALVA	FL 33920	239-693-1159
Joseph Campbell	Joseph Campbell	16980 OAKSTAD DR ALVA	FL 33920	N/A
Angela Campbell	Angela Campbell	16980 OAKSTAD DR ALVA	FL 33920	N/A
Mary Ann Liberti	Mary Ann Liberti	16998 OAKSTAD	33920	239-913-6088
KAREN ELLISON	Karen Ellison	3113 MOSS WAY	33920	239 849 5459
BUD TREML	Bud Trembl	3124 MOSS WAY	FL 33920	920-468-1885
Jeannie Trembl	Jeannie Trembl	3124 Moss Way	FL 33920	239-357-0029
Rollie Mills	Rollie Mills	13448 Windsor Way	ALVA FL 33920	239-938-6244
TRICK MILLS	Trick Mills	13448 Windsor Way	ALVA FL 33920	239 238 6244
Don Miller	Don Miller	16962 OAKSTAD DR	ALVA FL 33920	239-939-2527
CAROL BLAIR	Carol Blair	3330 Chestnut Brook Dr. ALVA	33920	239-313-6674
Stuart Blair	Stuart Blair	3330 Chestnut Brook Dr. ALVA	33920	239-313-6674
DONALD CROWE	Donald Crowe	516087 HERONS VIEW DR	FL 33920	330-352-7180
DEBI CROWE	Debi Crowe	16087 HERONS VIEW DR	FL 33920	330 235 3378
Joel Lefson	Joel Lefson	16068 Herons View	FL 33920	502 640 0781
Bruce D. Anderson	Bruce D. Anderson	16024 Herons View Dr	FL 33920	239 694 4561
Nancy H. Anderson	Nancy H. Anderson	16024 Herons View Dr	FL 33920	239 694 4561
Robyn Hancher	Robyn Hancher	16550 GOLDEN ROD LD	FL 33920	863 863 5711
JIM MITCHELL	Jim Mitchell	2202 Summerset	33920	693-8789
Cynthia Mitchell	Cynthia Mitchell	2202 Summerset	FL 33920	693-6789
Bob Auld	Bob Auld	15627 Angelica	33920	288-5782
Noreen Auld	Noreen Auld	15627 Angelica	33920	288-5782
DAVID RUDGE	David Rudge	15635 Angelica DR	33920	494-8292
LARRY RUDGE	Larry Rudge	15635 Angelica	33920	494-8292
Kenyon Dawson	Kenyon Dawson	17255 Walnut Run Dr	33920	689-5151
Jimmy Savin	Jimmy Savin	17255 Walnut Run Dr	33920	689-5151
James Sabella	James Sabella	15509 Pucklegrass Ct.	33920	470-2186
Doreen Brakes	Doreen Brakes	15509 Pucklegrass Ct.	33920	863-673-1225
GERALD RACE	Gerald Race	3296 HAMPTON BLVD.	33920	239-464-9770
SHERY RACE	Sherry Race	3296 HAMPTON BLVD	33920	239-464-0215
Lou Ann Sutton	Lou Ann Sutton	3291 Hampton Blvd.	33920	239 694 6440
Donald Sutton	Donald Sutton	3291 Hampton Blvd.	33920	239-694-6440
Virginia Amott	Virginia Amott	15707 Angelica Dr	33920	239-313-7915
R. Amott	R. Amott	15707 Angelica Dr	33920	239-313-7915

which increase the density in the River Hall development by 1,000 units.

COMMUNITY: River Hall Country Club

[illegible]

We, the undersigned residents of the affected areas, object to the approval of both CPA 2012-00001 and DCI2013-00003 which increase the density in the River Hall development by 1,000 units.

[illegible]