

**MINUTES REPORT
LOCAL PLANNING AGENCY
April 28, 2014**

MEMBERS PRESENT:

Noel Andress (Chair)	Mitch Hutchcraft
Dennis Church	Jim Ink
Jim Green	Rick Joyce (Vice Chair)
	David Mulicka

STAFF PRESENT:

Brandon Dunn, Planning	Michael Jacob, Managing Asst. Cty. Atty.
Kathie Ebaugh, Planning	Janet Miller, Recording Secretary
Andy Getch, DOT	Paul O'Connor, Planning Director

Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Mr. Andress, 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.

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

Agenda Item 2 – Public Forum - None

Agenda Item 3 – Approval of Minutes – March 24, 2014

Mr. Church referred to the top of Page 2 of the March 24th meeting minutes and stated the word “*not*” needed to be inserted in the first sentence so that it reads, “After a request by Mr. Andress as to why an interpretation is not being provided...”

Mr. Church referred to Page 9 of the March 24th meeting minutes where the Research Diamond was discussed. He recalled a comment by Mr. O'Connor that one of the reasons it is in there is because it would look good if we were going for grant applications. He did not see this comment reflected in the minutes.

Staff agreed to add something to that effect in the minutes.

Mr. Joyce made a motion to approve the March 24th meeting minutes with the above corrections, seconded by Mr. Mulicka. The motion was called and passed 7-0.

Agenda Item 4 – MPO Land Use Scenario Presentation

Mr. Spikowski, gave the LPA an update on the MPO Land Use Scenario with a PowerPoint presentation.

Mr. Spikowski stated he would be giving the metric quest results to the MPO committees at the end of the week and the MPO Board on May 16th. He and his team are working on the final report which will include all the technical evaluations. The MPO committees and board will review that and tentatively make their decision in their June meetings. Mr. Spikowski stated he would provide the LPA with a copy of the report for their information.

Mr. Hutchcraft applauded their effort to receive input from the community. He asked to what extent the final scenario would be driving by the public input results.

Mr. Spikowski stated the public scoring is more for the information of the MPO committees and boards. The technical team will be working more on a technical basis including the specific evaluations.

Mr. Hutchcraft referred to the EAR process the LPA has been going through. He asked if the EAR amendments would reconcile with where the traffic study is going.

Mr. Spikowski stated they were in sync because the planners are working on the County's plan update and his group is involved with preparing the scenario so there is no reason for them to go off in different directions.

Mr. Church asked how this would become law and how it would affect future projects that come in and have to be evaluated against that model.

Mr. Spikowski stated it does not become law or get adopted as a future land use map would. Once the MPO selects a scenario or some combination of scenarios, it will be used in their planning for the road system. To the extent that this is embedded in the model, it may have some effect on people doing future traffic reviews.

Mr. Andress stated the MPO is working on a study for transportation impact fees. He asked how that would play into this study.

Mr. Spikowski stated the MPO is doing some work on that subject as part of the Long Range Transportation Plan; however, what Mr. Spikowski presented today is the first step of the Long Range Transportation Plan. If they have started on the transportation impact fees study, he was not aware of it.

Because this was only an information item for the LPA where a vote was not required, this item was not opened for public comment.

Agenda Item 5 – Lee Plan Amendments

A. CPA2013-00008 Estero Apartments

Mr. Blackwell reviewed the staff report with the LPA and noted that staff recommends that the BOCC adopt the proposed amendment. It is going for adoption because it is a small scale amendment, which means there is no transmittal phase.

Jim Ink asked staff to elaborate more on how they feel this proposal is consistent with the residential on this specific parcel within the CPD of the interchange area.

Mr. Blackwell noted the Lee Plan is trying to create more diverse housing types specifically in the Estero area where it is predominantly single family residential. This proposal would help introduce apartment complexes, which are multifamily units. Another reason for staff's efforts to create mixed use is that it reduces the effect of sprawl and the effect of increased population on services. By locating a project at this location, the residents would be closer to commercial uses. Even if they are driving as opposed to walking, they will be driving less. In addition, this site has back road connections to some of these locations such as the Medical Center to the west as opposed to getting onto Corkscrew Road.

Mr. Ink asked for clarification that staff is comfortable with a residential site being directly adjacent to I75 and if they consider it good planning.

Mr. Blackwell stated there was some concern about traffic noise, but he noted that good site design can achieve that. He stated the applicant is motivated to do that in order to get people to live at this apartment complex. Therefore; the issue of living next to I75 is not as strong an issue as some might think it is.

Mr. Address asked about the median cuts in the area and whether they provide adequate access for the density that this project entails.

Mr. Blackwell stated that according to DOT staff this generates less traffic demand than the currently permitted commercial uses.

Mr. Church asked if input was received from the Estero Community Planning Panel.

Mr. Blackwell stated the applicant met with the Estero community twice and incorporated some of their requests such as pedestrian connections.

Mr. Hutchcraft noted that the frontage road for this project is already well developed. From looking at the aerial, it appears there are 3 or 4 connections down to Corkscrew Road and then one to Three Oaks Parkway. Therefore, he felt the traffic is distributed well already.

Since there were no further comments by the LPA, Mr. Address opened this item for public comment.

Public comment was received from: Jack Lienesch, representing the Estero Community Planning Panel, Leo "Larry" Laurence Williams (sole managing member of my company Jenlar Properties LLC who owns Tire Choice and the Total Car Care building and property near the intersection of I75 and Corkscrew Road in the Estero Interstate Commerce Park), Steve Hartsell representing the applicants for Estero Apartmetns, and Dr. Lacagnina from Lee Memorial Health Systems.

Mr. Green referred to comments made by Mr. Larry Williams that he had concerns with Estero Apartments blocking the visibility of his property from I75. He noted that this property is currently vacant and that any development located there would block some of the visibility to his property.

Mr. Williams stated that although this is true he believed that some type of single story development would have less impact on his visibility than multiple story apartment buildings.

Mr. Church referred to a comment by Mr. Hartsell that this project would be a two story complex. He asked if there is a zoning height limitation.

Mr. Hartsell believed the zoning height limitation was 45 feet. He noted they were not asking for an increase in height for this location.

Due to comments made by Dr. Lacagnina from Lee Memorial Health Systems regarding the impact planning has on the health of the community, Mr. Address noted the applicants addressed the issue of connectivity by having bike paths and walking trails to help the residents access other businesses along the way. This also helps aide in residents having a healthier lifestyle. He noted the County has been trying to incorporate that into each proposal that gets approved. He thanked Dr. Lacagnina for the work the hospital is doing and for the work he has done on the Horizon Council.

Mr. Green asked staff to comment on any negative impacts they think this project might create on the adjacent property mentioned by Mr. Williams.

Mr. Blackwell stated he did not see any negative impacts apart from traffic going past their site from Estero Apartments to Corkscrew Road. However, there will only be 136 units which is less than what would have been allowed under the current zoning.

Mr. Hutchcraft asked if there was assurance that the adjacent parcels will still be able to fully utilize their properties now that there is a residential use adjacent to them. In other words, will there be restrictions to their hours of operation or restrictions in noise because of this residential site?

Mr. Blackwell stated there would be no adverse impact on the adjacent parcels. The conditions of their CPD will remain unchanged.

Mr. Joyce noted we were putting a lot of units on this 8.7 acre site. The Estero Community Plan has some emphasis on water quality where it states, "*All new developments adjacent to the Estero River, must incorporate design techniques to improve water quality.*" He recommended that this site also include some review of stormwater and surface water treatment in order to meet those requirements of the Estero Community Plan. He gave an example of how this was handled with the Estero Bay Chevrolet site.

Mr. Andress stated those types of activities are typically addressed during the zoning process as opposed to the Comprehensive Plan.

Mr. Green made a motion to recommend the Board of County Commissioners adopt CPA2013-00008 Estero Apartments with thought and consideration given to smart water management, seconded by Mr. Hutchcraft.

Mr. Ink stated that initially he thought this project was a good idea until he reviewed the map and saw that we were introducing residential in a completely constrained commercial planned development of high intensity. To him, this was not good compatibility. He would not oppose it if it was located on the north or west side where it is more transitional to the surrounding community, but he did not feel the proposed location was appropriate for this type of development. As such, he could not support the motion.

Mr. Mulicka stated he would support the motion. He noted that the height of this development was no higher than what a warehouse building could be next door or an industrial compound. As a business owner, he felt it would be advantageous to have several hundred new customers drive by his facility to buy tires, etc. The new residents will be looking for places that offer those services near their home as well as shopping malls, etc. He also felt it was favorable to work with a thoughtful developer who was ready to build now rather than having a speculative zoning change in the hopes of being able to market it.

The motion was called and passed 6-1. Mr. Ink was opposed.

B. CPA2014-00003 Estero Plan

This item was removed from the agenda and will be scheduled at a future meeting.

Agenda Item 6 – New Horizon 2035: Plan Amendments

A. CPA2011-00008 Future Land Use Element

B. Future Land Use Map

It was decided that Items A and B would be discussed together.

Mr. O'Connor stated staff did not have a presentation to offer as this was a continuation from last month's LPA meeting. Now that the LPA has received the map, staff is seeking the LPA's comments as well as public input.

Mr. Green stated he was under the impression that staff was going to provide the LPA with a difference map to review. He felt it was important to see where the changes were made.

Mr. Andress stated he was under the impression that the LPA was going to be provided with an updated revised map. He noted there were items discussed at the last meeting that were not on the map.

Mr. Church stated he tried to go to the DCD website where there is a breakdown of existing and proposed (community by community). However, he discovered there were only old maps on the website which meant he was unable to compare the maps side by side.

Mr. Burris had a pdf file for everyone to view on the screen that had multiple layers that could be turned off and on. He reviewed the map with the LPA as well as areas where the land use intensity was increasing, decreasing, or staying the same.

Mr. Hutchcraft referred to an area proposed to be reduced which is north of the Health Park facility. To him, he felt that area would be suitable/appropriate for higher density.

Mr. Burris stated there was one vacant tract of land in that region that already has an approved residential planned development that is under 6 units per acre. Wetland mitigation has been done for that area, but they have not commenced construction.

Due to a question by Mr. Church, Mr. Burris clarified that, whenever there is a Planned Development, staff is not lowering the density below what the Planned Development is approved for.

Mr. Church asked how property owners are notified if their property is being down zoned.

Mr. Burris stated they would have to follow the comprehensive plan amendment process.

Mr. O'Connor stated there is no statutory requirement for notification of this through the mail. There are requirements through advertising that staff is complying with.

Due to a request by Mr. Andress, Mr. Burris reviewed how many parcels are impacted in terms of density reduction county-wide.

Due to a request by Mr. Andress, staff reviewed the northeast quadrant of the map along highway 80 (Alva area).

Mr. Burris noted that area was the core area of Alva. The current map shows it as Urban Community which allows bonus density up to 10 units per acre. The proposed map puts it in "Suburban" which keeps it at 6 units per acre and does not allow bonus density.

Mr. O'Connor stated this area does not have water and sewer service. It was put in the Urban Community category back in 1984. Staff feels that 10 units per acre in Alva is too much especially without the availability of services. He noted that Lee County Utilities has looked at bringing in services to that area, but found it would not be cost effective.

Mr. Green stated the LPA was presented with a change map a year ago. He would appreciate seeing what was presented last year and the rationale for it as well as what changes have taken place since the last time the LPA reviewed the map.

Mr. Mulicka stated that it would have been helpful if the LPA had received this layered map ahead of time as part of their meeting packet so they could have a more educated opinion instead of the map provided to them which was not a useful tool.

Mr. Church agreed he would have liked the opportunity to use this layered map to study over the weekend. Although he did not want to slow the process down, it was hard to evaluate this map with what was provided to the LPA. He stated it would also be helpful if the LPA was provided with the current land use language and the proposed language for these changes.

Mr. Andress opened this item for public comment. Public input was received by Veronica Martin from TDM Consulting, Ken Nagorsen, Michael Roeder, Howard Levitan, Charles Basinait, Steve Brodtkin, and James Campbell.

Ms. Veronica Martin was representing a client (Ken Nagorsen) who owns an 11 acre parcel at 536 Evergreen Road in NFM. She distributed two exhibits for the record (attached). The first was an aerial location map and the other is an alternative proposed future land use map. She reviewed the project with the LPA as well as the surrounding properties. It is currently Sub-Outlying Suburban which allows 2 dwelling units per acre. The county is proposing to change the designation to Suburban 2 which is 2 dwelling units per acre. The County is also proposing to change the designation to the east to Urban Core which would permit 25 dwelling units per acre with incentives. Her client is requesting the County redesignate this area as Suburban 6. They believe it would be a more transitional density between the Urban Core to the east which is 25 dwelling units per acre and Cape Coral's multi-family, which is 16 dwelling units per acre to the west. She explained the project and reviewed it. She gave the rationale for the request and the community meetings they had to get input from the community.

Mr. Hutchcraft asked for staff's opinion of the request.

Mr. O'Connor stated staff's proposal is to keep it as Suburban 2, which is the current land use designation. Staff did not see any reason to single this parcel out so that it can have a different designation from other pieces.

Mr. Roeder discussed a second project that he is working on in conjunction with Ms. Veronica Martin that is located in South Fort Myers involving several landowners on Apaloosa Lane. He distributed handouts (attached). The property is currently Outlying Suburban on the existing land use map. They are requesting it be changed to Urban Neighborhood. He gave background information, discussed the rationale for the request, and reviewed the surrounding parcels and their zoning. Ms. Martin gave commentary on this project as well.

Mr. Charles Basinait was representing two clients. The first client is General Real Estate Corporation (Brandon Lurie) and entails property located at the northwest quadrant of US 41 and Coconut Road. It is currently zoned Urban Neighborhood, but they are requesting it be changed to Urban Places. The second client is Lutgert Companies (Baron Collier Companies) involving a 100 acre piece in Estero. Their concerns are with CPA2014-00003 (Estero Plan). His clients emphasize the importance of flexibility in development design. The Estero Community Plan discusses the importance of mixed use development. His clients agree with that so long as it is not a requirement of all development. (See attached letters regarding both clients).

There were no further comments by the public, so the public comment segment was closed.

The LPA took a break at 10:30 a.m. and reconvened at 10:44 a.m.

Mr. Andress stated the LPA had heard new information today so it seemed to him that this item should be continued to give staff a chance to look at some of the issues brought up today. At the next meeting staff could go over the changes.

Mr. O'Connor stated staff would provide the LPA with a CD of the map in a pdf format. In addition, the LPA is welcome to meet with staff so they can help members navigate through the map.

Mr. Green made a motion to continue this item but stated that in addition to that he would like to have a context presentation by staff along with a document outlining what parcels are having rights taken away and a second document outlining which parcels will have improved rights. He would like the changes discussed item by item so that the LPA could vote on each one.

Mr. Church suggested staff take each community planning area and have a map of the current land use as well as the proposed land use. It would only involve the community planning area so it would be small enough to be viewed and posted to the web. It could include a tabulation of which parcels are being decreased by x units per acre in addition to which parcels are increasing by x units per acre. To go along with that, it would help to have a chart showing how many units are being decreased and increased per community. At the bottom of the chart, it could show what the county has done with density county-wide. It would be helpful if staff could link the language that is associated with each new land use category. If staff provides the LPA with a tool they can study on their own, it will make the presentation go much quicker.

Mr. Mulicka stated he did not like to continue items, but felt frustration at not being given the proper tools to do a proper job of reviewing these proposals. If this map had been provided a week ago, it would have helped the LPA in their review. He also was uneasy when property owner's rights are being taken away without some notification. Although it is not state law, he felt it should be addressed to some degree.

Mr. Hutchcraft referred to comments made by land owners on potential changes. The Daniels Road/Palomino project came before the LPA last year. The LPA was generally supportive of it. He felt that area could accommodate more density. His recommendation is for the LPA and staff to look favorably at that request. He felt the two proposals by Mr. Basinait seemed reasonable particularly if they are under the mixed use overlay. He felt the one in North Fort Myers was more problematic. Although there are higher densities on both sides of the property, there is an existing residential neighborhood. If there is a change, he felt it should most likely come forward with a planned development zoning application so people can understand the impacts on the neighborhood and how it is going to be addressed. Regarding the presentation by Mr. Brodtkin, he agreed there is a water management issue for

Bayshore, but he did not necessarily agree that density is directly related to sheet flow issues. He explained you could have high density on a very small footprint. You could have a large house, a large barn, and berm and have more impact from a sheet flow perspective. He was not opposed to a density reduction for the area, but he suggested staff get feedback from property owners to see if they support that.

Mr. Church stated he would like to see a memorandum from staff regarding the proposals that were brought forth by applicants that would outline staff's opinion on the proposals. There might be issues that were not brought up by the applicant, such as if the property is in a Coastal High Hazard area. It would not need to be a staff report, but something that outlines staff's opinion and whether they feel it is consistent or inconsistent with the Lee Plan.

Mr. Address stated he would also like to add the two parcels that Mr. Levitan brought up in the Estero area to see if Urban Places is a suitable use on those two areas. When discussing the northwest corner of Coconut Road and US 41, he felt that entire section of land should be reviewed, not just 1 or 2 parcels because that is a major intersection in South County. He stated we are running out of those types of properties. He also felt staff should review where the flooding issues are occurring in the Bayshore area to see where it might be appropriate to reduce the density if some areas are contributing to the problem. He stated the County was working on Yellow Fever Creek and Spanish Creek to divert more water south, which should be taken into account.

Mr. Address stated that a motion to continue this item was made by Mr. Green. Mr. Hutchcraft seconded the motion. The motion was called and passed 7-0.

Mr. Green referred to the Bayshore area and stated that when the LPA reviewed the change map from a year ago, he believed there was a change to the Bayshore area where it was changed to Rural. However, it is hard to tell with the map that was provided. He felt it would be good for the Bayshore area to have lower density. He asked staff to give consideration to how that can be done and how it can be handled fairly with property owners. Another consideration is that perhaps there could be an offset to property owners if lowering the density is in the best interest of the County.

Mr. Joyce stated that he grew up in the Bayshore area. He noted that low density would not necessarily address the flooding issues. What is happening in the flood plain is what is causing a lot of the problems plus the fact that the creeks are not being maintained. Mr. Joyce stated that Natural Resources is spending a lot of time to try and find solutions in the Bayshore area. He hoped they could work out some long term good solutions.

Agenda Item 7 – Other Business

River Hall

Mr. Address stated the LPA needs to receive background information on this case as soon as possible so they can start reviewing it especially since there are new members. He stated it would help if the LPA could receive staff's comments based on the previous recommendation that was made by the LPA so it could be considered in the LPA's deliberations. He noted the LPA referenced several policies where they felt this particular proposal did not comply with. If staff decides to recommend approval, the LPA will need to see justifications as to why the proposal is in compliance with policies that it previously did not meet.

Mr. O'Connor stated staff requested copies from the applicant which will be supplied to the LPA as soon as they are received. The application is the same as what was submitted previously. There will be no changes.

Mr. Church stated he believed River Hall would consume most of the time for the May LPA meeting. He was not sure how we would be able to schedule the Estero Plan and the Future Land Use Element/Map as well.

Mr. O'Connor stated staff would like to discuss River Hall and the Estero Plan at the May meeting. The Future Land Use Element could be postponed to the June LPA meeting which would give LPA members more time to review the pdf of the map.

In order to postpone the Future Land Use Element to the June 23rd LPA meeting, the County Attorney's office requested a motion to reconsider the previous motion where it was continued to May.

Mr. Mulicka made a motion to reconsider the previous motion, seconded by Mr. Church. The motion was called and passed 7-0.

Mr. Green made a motion to amend his prior motion and extend the Future Land Use Element to the June 23, 2014 LPA meeting, seconded by Mr. Hutchcraft. The motion was called and passed 7-0.

Mr. Hutchcraft stated that since there are new members he felt it was appropriate to have a conversation on how the LPA will handle all the input received at the May LPA meeting regarding the River Hall project. For instance, how long will the public be allowed to speak? Can they read multiple letters on behalf of others?

It was decided that the public will only be permitted to speak for 3 minutes and that staff will run the clock. They will not be permitted to read other people's letters into the record; however, they can submit them for the record.

Notification of Density Changes

Several members mentioned being uncomfortable with property owners not receiving notification of increases or reductions to their property especially where rights are being removed.

Mr. O'Connor stated staff looked into this matter, but it would cost the County in excess of \$300,000 to notify them because virtually every land use category is changing in one way or another and the cost is very prohibitive. For instance, it would be every property owner in Lehigh Acres alone which is 140,000 pieces of property.

Estero Plan

Mr. Church asked if the LPA would be entertaining map changes at the next hearing regarding the Estero Plan due to the proposals mentioned today by Mr. Basinait.

Mr. O'Connor stated the Estero proposal is a text change to the plan. It proposes to change the language from the Estero Goal. The community itself did not ask for any map changes. Regarding the two properties in Estero discussed today, the northern piece is in the land use category that they are asking for.

Staff has had several conversations with a potential developer for the portion that is included in the southern piece. He believed staff was on board with the increase in density and the addition of the mixed use overlay.

Agenda Item 8 – Adjournment

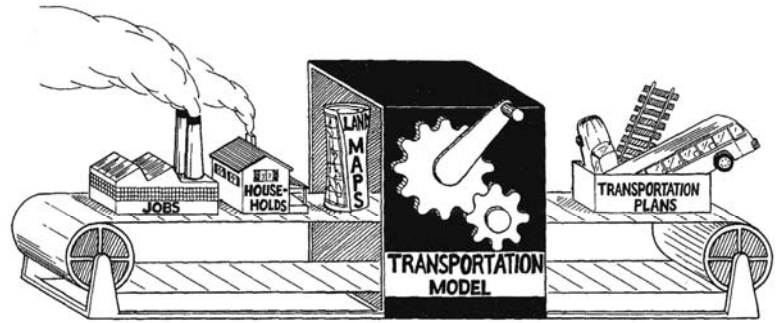
The next Local Planning Agency meeting is scheduled for Monday, May 19, 2014, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 11:16 a.m.

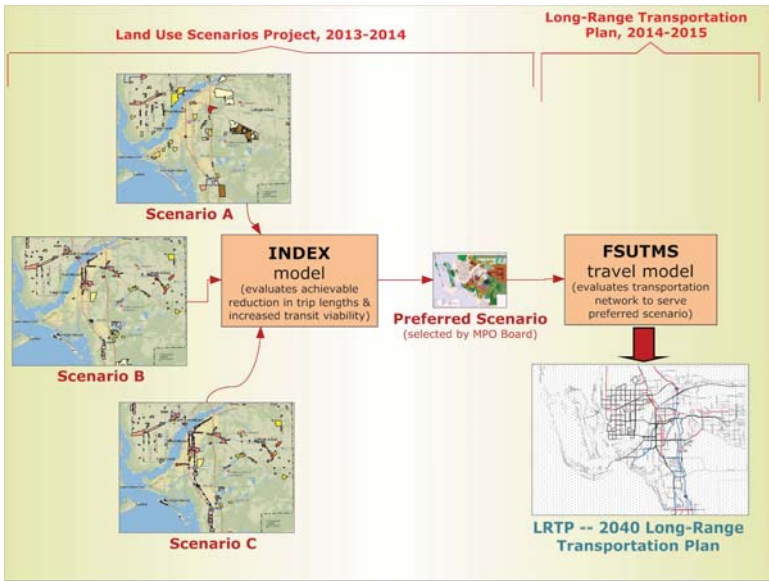
LEE COUNTY MPO
METROPOLITAN PLANNING ORGANIZATION

Land Use Scenarios Project

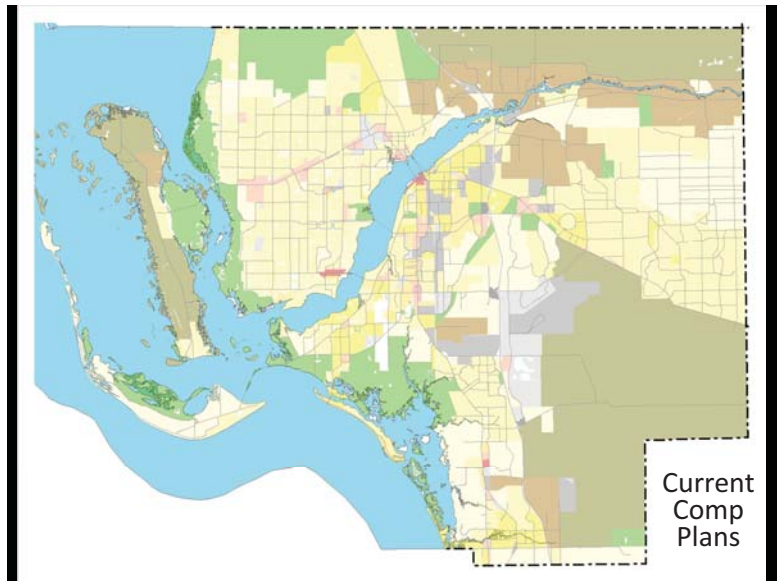
Don Scott, Lee MPO Executive Director
Jacobs Engineering Group, Tampa FL
Spikowski Planning Associates, Fort Myers FL
Criterion Planners, Portland OR

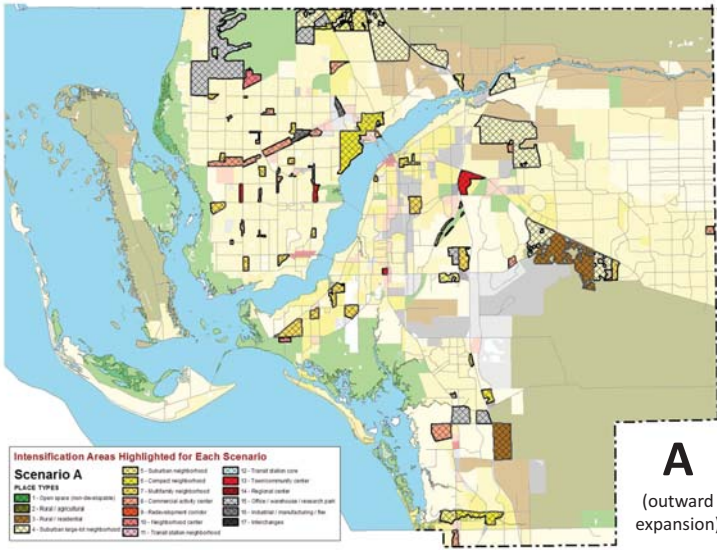


Land-Use Inputs → → Transportation Plans



Place Type	#	Land Uses			Transportation			Local Examples
		DU / net acre	Non-Res F.A.R.	Jobs/Housing	Inter-sections / sq. mile	Bike route miles / sq. mile	Transit Stops / sq. mile	
Open space (non-developable)	1	0	0	0	0	0	0	Coastal & interior wetlands
Rural / agricultural	2	0.1	0	0.1	10	0	0	Wildcat Farms; Coastal rural (5-10 acre lots)
Rural / residential	3	0.5	0	0	20	0	0	Buckingham (1-2 acre lots)
Suburban large-lot neighborhood	4	2	0.05	0.2	35	0	0	Lehigh Acres (north and east) (1/2-acre lots)
Suburban neighborhood	5	4	0.10	0.2	90	5	0	Cape Coral; Lehigh Acres; San Carlos Park; Sanibel Estates (1/4-acre lots)
Compact neighborhood	6	6	0.20	0.2	130	15	10	Central and east Fort Myers;

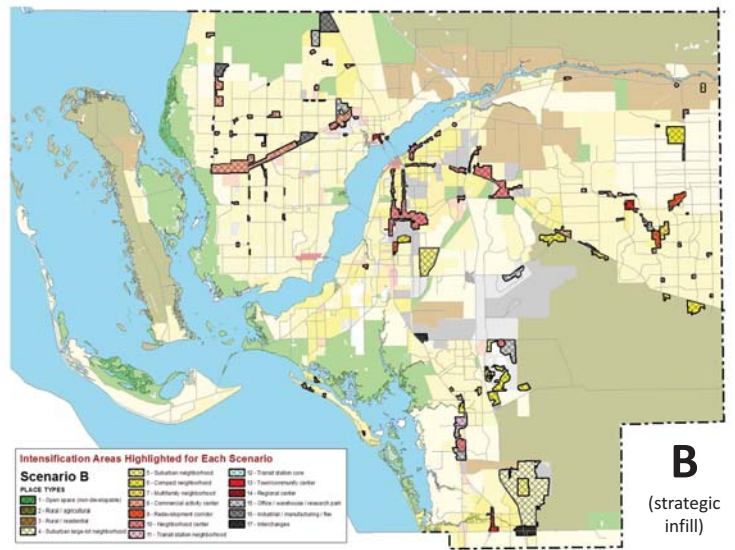




Workshop Participants

Lee County	Andy Getch, Rick Burris, Tessa Lesage, Wayne Gaither, Anna Bielawska
Cape Coral	Persides Zambrano, Wyatt Daltry, Rick Sosnowski,
Fort Myers	Robert Gardner, Nicole DeV Vaughn
Bonita Springs	Jennifer Hagen
Fort Myers Beach	Walter Fluegel, Josh Overmyer
Sanibel	Benjamin Pople
Lee MPO	Don Scott, Johnny Limbaugh
Consultant Team	Eliot Allen & Thom York, Criterion Planners Bill Spikowski, Spikowski Planning Ned Baier & Jennifer Willman, JACOBS

Workshop In Progress



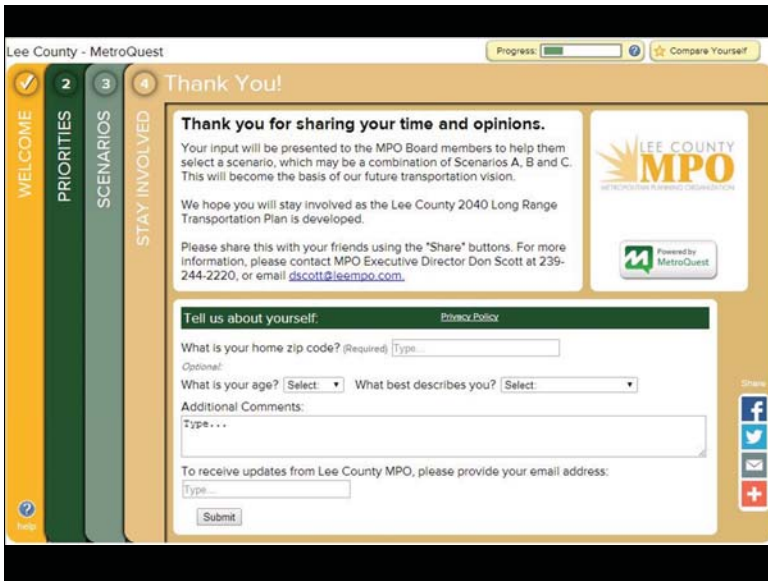
	Scenario A (prior MPO scenario for 2035)	Scenario B (current comprehensive plans)	Scenario C (comprehensive plans with focused infill & redevelopment)
Cape Coral	Prior FLUM... + employment centers in far NW (15) + residential in Yucca Pines (2) + some commercial activity centers (8)	Adopted FLUM... + more commercial activity centers (8) + add Pine Island Road district (8)	Adopted FLUM... + most or all commercial activity centers (8) + anything additional suggested by city staff + draw subset of Mixed Use from FLUM (15)
Fort Myers	Little growth in city limits, except... + a new regional center at Fortan (13) + moderate growth along MLK corridor & in Metro Park DRI (7)	Adopted FLUM, specifically: + intensify the "commercial corridor" & "airport" FLUM designations (8 & 16)	Adopted FLUM as in Scenario B... + TOD around certain stations on rail corridor: e.g., Tarpon St, Michigan Av, Rosa Parks (south of downtown) & Colonial Blvd (11 & 12)
Sanibel	Very little growth in city limits, due to built-out conditions	Very little growth in city limits, due to built-out conditions	Very little growth, except... + expanded civic core? (10)
Fort Myers Beach	Very little growth in city limits, due to built-out conditions	Very little growth in city limits, due to built-out conditions	Very little growth, except... + expanded downtown? (10)
Bonita Springs	Adopted FLUM... + develop Bonita DR/GR (5) + intensification between Imperial River and West Terry Street (6)	Adopted FLUM... + designate Old 41 downtown core (13) + designate vested Citrus Park (4) + or designate ALL of Bonita DR/GR (5)	Adopted FLUM... + keep Bonita DR/GR as adopted now (3) + expand downtown redevelopment area (13) + TOD around both stations on rail corridor: Strike Lane & Downtown (11 & 12)
Unincorporated - Lehigh Acres	Prior Lee Plan FLUM (slow even house construction throughout Lehigh Acres; very few additional jobs)	Adopted base FLUM... (includes downtown along Homestead Road as "intensive development") (13) + designate 1990s Commercial Overlay (8)	Pending base FLUM... (intensity new "urban places" and "urban core" designations) (6 & 7) + add latest planning for additional intensification areas (e.g. mixed use overlays & nodes) (9)
Unincorporated - Research Diamond	Prior Lee Plan FLUM (little growth near airport or FGCU)	Adopted base FLUM... (focus development on a higher intensity "University Mixed Use Core" area within the Research Diamond, per UL1) (15)	Pending base FLUM... (focus development on higher intensity areas within the Research Diamond at Skyplex and FGCU entrance, per AIA concepts) (16)
Unincorporated - Remainder	Adopted FLUM... + heavy residential growth near river in North Fort Myers (7)	Adopted base FLUM... + some existing mixed use overlays (9) + add 5 DR/GR mixed-use communities (6)	Pending base FLUM... + more mixed use overlays (9) + TOD around certain stations on rail corridor: Page Park, Daniels Pkwy, Gladstias, Corkscrew Rd, & Coconut Rd (11 & 12) + proposed Estero town center (13) + College Parkway revitalization (15)

Technical Ratings & Public Responses



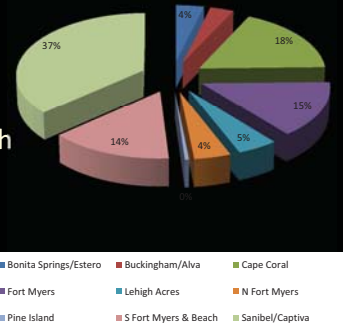
How Many People Responded?

- Survey was available from Feb. 14 to April 2
- 2,564 total visits
- 1,227 people submitted responses
- 949 people submitted additional comments
- A few responses came from all over the world



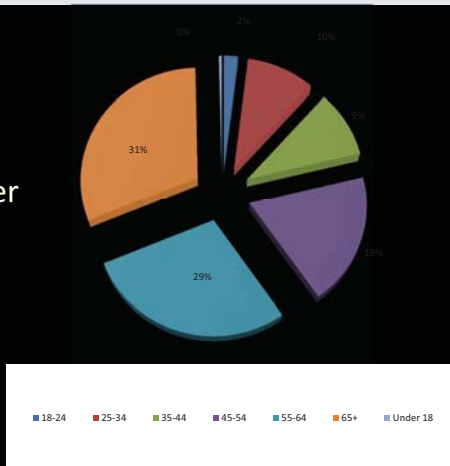
Geographic Distribution

- 37% -- Sanibel/Captiva
- 18% -- Cape Coral
- 15% -- Fort Myers
- 14% -- South Fort Myers & Beach
- 5% -- Bonita Springs/Estero
- 5% -- Lehigh Acres
- 4% -- North Fort Myers
- 3% -- Buckingham/Alva
- 1% -- Pine Island



Age Distribution

- Most respondents were over 55
- Those 25 and under were especially difficult to reach
- One-third were retired



Priority Preferences



Priority Preferences

Most highly rated priorities:

1. Walking and Bicycling
2. Water Conservation
3. Less Driving
4. Preserve Rural Land
5. Access to Transit
6. Less Coastal Development
7. Access to Jobs & Shopping
8. Reduce Greenhouse Gas Emissions
9. Diverse Housing Options
10. Grow in Undeveloped Areas
11. Homes on Large Lots

Scenario Ratings

A: Spreading Out

- Growth continues outward
- More rural land converted to urban
- Car-oriented transportation system

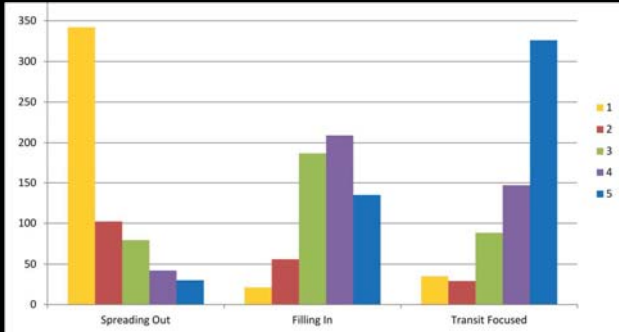
B: Filling In

- Some growth is concentrated in already developed areas
- More mixed-use neighborhoods
- Mostly car-oriented transportation

C: Transit-Focused

- More growth is concentrated in already developed areas and along major transit corridors
- Mostly car-oriented transportation; transit is enhanced w/ light rail or BRT

Scenario Ratings by Public



Respondents gave each scenario one to five stars, with five being the best

A: Spreading out: 1.85
 B: Filling In: 3.63
 C: Transit-Focused: 4.12

NEXT STEPS

May 1	MetroQuest preview for CAC
May 1	MetroQuest preview for TAC
May 16	MetroQuest preview for MPO Board
May 26	Final report issued
June 2014	Final scenario selection

Community Sustainability Advisory Committee

Recommendations:

Land Use Element; Land Use Map; Transportation Maps

Wednesday, April 16, 2014

Land Use Element

Recommendation #1: Under the INTENT paragraph, add “environmental resource conservation”:

“The Land Use Element ~~intends~~ is intended to guide new development, infill, and redevelopment efforts through land use practices that support urban, suburban, coastal, and rural places; economic development; interconnected transportation and land use projects; land and wetland, and environmental resource conservation; and existing neighborhoods.

Recommendation #2: Under POLICY 1.1.2 (h) remove ‘Job Center’ and ‘Interstate Highway’ as they are not Land Use Categories.

POLICY 1.1.2: Promote the character of Urban Land Use Areas through planning and development practices ~~that~~ by:

(h) Facilitating higher levels of employment and economic activity within the Urban Areas—particularly within mixed-use centers and Urban and Economic Development ~~and Job Center, and Interstate Highway~~ Land Use Categories.

Recommendation #3: Under POLICY 1.1.4 (a) add, ‘natural hydrological flow’. Under (e) simplify and add ‘infrastructure systems’.

POLICY 1.1.4: Retain the character of Non Urban Areas through planning and development practices that:

(a) Promote development design that maintains large, contiguous tracts of open space, while supporting agricultural uses and natural hydrological flow;

(e) Discourage the expansion of ~~public services, public utilities, and transportation services into~~ infrastructure systems into Non Urban Areas.

Recommendation #4: Under POLICY 1.1.6(c) use terminology, ‘site design’. Under (f), slight grammatical change. Also note that the term ‘green building’ will be defined in the Glossary.

POLICY 1.1.6: Incentive Density Units ~~are~~ may be used to ~~provide~~ permit additional development rights within the ~~Urban Core, Urban Places, Urban Neighborhoods, and Suburban-6~~ Urban Land Use Categories except for any islands or to Greater Pine Island. ~~Incentive Density Units may be obtained through participation in various county programs including: The~~

incentive density may be obtained in exchange for meeting specific land use and development goals including:

(c) Meeting established industry guidelines for green-building construction and site design verified by a certified third party;

(F) Promoting transit services by locating within a current ~~and or~~ future transit service area; construction of transit related infrastructure (e.g.: transit stops, bus shelters, bus lanes, etc...), or contribution to transit services (e.g.: busses, transit fees, or maintenance or operation costs; or

Recommendation #5: Under POLICY 1.2.3, minor grammatical changes:

POLICY 1.2.3: Urban Neighborhoods. The Urban Neighborhoods Land Use Category includes a mixture of relatively intense commercial and residential uses. While these places have a distinctly urban character, they should be developed at ~~slightly~~ lower densities than the Urban Core or Urban Places land use categories due to the proximity to more suburban, mostly residential, communities. Predominant land uses in the Urban ~~Communities-Neighborhoods~~ will be residential, commercial, ~~public and quasi-public, and limited light industry retail, office/professional, limited light industrial land uses, civic spaces, and park and recreational facilities.~~ Future development in this category is encouraged to be developed as a mixed-use, ~~that~~ are intended to support and connect to nearby residential suburban communities. The Urban Neighborhoods land use category has the following land use standards:

Recommendation #6: Under OBJECTIVE 1.3, minor grammatical changes:

OBJECTIVE 1.3: SUBURBAN LAND USE CATEGORIES. Suburban Land Use ~~Category- Categories is are~~ predominantly residential places located ~~within~~ includes Urban Areas that promote the development of suburban places including: ~~residential communities neighborhoods; economic centers with~~ commercial, office, and professional businesses; public facilities and resources; and, park and recreational opportunities. These categories are intended to be well connected communities with land uses that are linked via a system of roadways, pedestrian and bike connections, and open spaces. There are ~~four~~ five suburban land use categories.

Recommendation #7: Under POLICY 1.9.11, committee suggests staff review and revise the policy to be less specific about the size and location of the conceptual Research & Enterprise Diamond.

Additionally, the Committee requests staff review and modify Policy 1.9.11 and incorporate it into the Economic Element. The new policy should not be specific about the size and location but should, instead, address the vision and economic goals of the Research & Enterprise Diamond.

POLICY 1.9.11: Research and Enterprise Diamond. The Research and Enterprise Diamond Overlay (Map ##) depicts an is generally located in the Urban Areas in the general vicinity of Florida Gulf Coast University (FGCU) and the Southwest Florida International Airport (SWFIA). The area is targeted for the creation of an economically diverse center for businesses. Located within a ~~The~~ approximately 40+/-square-mile area of south Lee County, ~~businesses in the~~

Diamond will benefit from existing and planned infrastructure in transportation, education and recreation. Resources, such as the SWFIA, JetBlue Park, and FGCU, establish a prime location for creating synergies among research, renewable energy, enterprise opportunities, and economic growth. Infill development to create more walkable, transit-oriented communities that meet complete streets objectives will be encouraged. (New)

Recommendation #8: Under POLICY 4.2.9, add ‘and others as identified in the future.’

POLICY 4.2.9: Encourage transit-oriented development (TOD) around future transit stations around the existing rail corridor. Potential stations in unincorporated Lee County are identified on the mixed-use overlay on the Land Use Map at these locations: Danley Drive, Crystal Drive, Daniels Parkway, Gladiolus/Six Mile Cypress Parkway, Corkscrew Road, and Coconut Road, and others as identified in the future.

Land Use Map

Draft Land Use Map (Draft Map Generated: 4/4/2014)

Recommendation #1: No recommendation.

Transportation Map

Draft: Unincorporated Bikeways/Walkways Facilities Plan Map 3D 10/30/2013

Recommendation #1: Support BPAC’s recommendation to include this map in the Comprehensive plan. Also recommend cleaning up the layers on the map for clarity.

Table (2)a Constrainer Roads, State and County Roads

Recommendation #2: Committee has previously reviewed this table. No additional recommendation.

FDOT District One –Map H1, Federal Functional Classification/Urban Boundaries- Lee County

Recommendation #3: Support the addition of these maps into the Comprehensive Plan.

FDOT District One –Map H2, Federal Functional Classification/Urban Boundaries- Lee County –Inset 1

Recommendation #4: Support the addition of these maps into the Comprehensive Plan.

FDOT District One –Map H3, Federal Functional Classification/Urban Boundaries- Lee County –Inset 2

Recommendation #5: Support the addition of these maps into the Comprehensive Plan.

FDOT District One –Map H4, Federal Functional Classification/Urban Boundaries- Lee County –Inset 3

Recommendation #6: Support the addition of these maps into the Comprehensive Plan.

FDOT District One –Map H5, Federal Functional Classification/Urban Boundaries- Lee County –Inset 4

Recommendation #7: Support the addition of these maps into the Comprehensive Plan.

LeeTran 2012 Transit Development Plan, Map 9-5 Cost Feasible Plan

Recommendation #8: Strongly support the addition of the Transit Development Plan Map into the Comprehensive Plan.

LeeTran 2012 Transit Development Plan, Map 9-4 2021 Needs Plan

Recommendation #9: Strongly support the addition of the Transit Development Plan Map into the Comprehensive Plan.

Memorandum
FROM THE
COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE
239-533-2221
Fax 485-2262

Date: April 17, 2014

To: Local Planning Agency

From: Community Sustainability Advisory
Committee

RE: Lee Plan Element: Land Use

The Community Sustainability Advisory Committee has reviewed all the elements in the proposed Lee Plan. On April 16, 2014 the Committee reviewed the Land Use element, Land Use Map, and Transportation Maps to provide final comments and recommendations related to the committee's goal of promoting community sustainability.

This was the committee's second review of the Land Use Element and Land Use Map. Most of the committee's previous recommendations were incorporated into current documents.

Land Use Element

The committee recommends in the 'Intent' paragraph to add the term, 'environmental resource conservation' as another factor to guiding new development.

The committee recommends under POLICY 1.1.2 (h) removing the term, 'Interstate Highway' as it is not a Land Use Category.

Under POLICY 1.1.4 (a) that committee recommends adding the term, 'natural hydrological flow' to read, "(a) Promote development design that maintains large, contiguous tracts of open space, while supporting agricultural uses and natural hydrological flow;". Also, under (e) the committee recommends simplifying the policy by replacing listed terminology to "infrastructure systems".

In POLICY 1.1.6(c) the committee recommends adding the term, 'site design'. In the same policy under (f), the committee recommends slight grammatical changes.

The committee also recommends minor grammatical changes under POLICY 1.2.3 and OBJECTIVE 1.3.

Under POLICY 1.9.11, committee suggests staff review and revise the policy to be less specific about the size and location of the conceptual Research & Enterprise Diamond. Suggested revisions can be viewed in the attached document.

Additionally, the Committee requests staff incorporate the Research & Enterprise Diamond into the Economic Element. The new policy should not be specific about the size and location the Diamond but should address the vision and economic goals of the area.

Finally under POLICY 4.2.9, the committee recommends adding the term, 'and others as identified in the future.' for encouraging transit-oriented development.

Land Use Map

The Committee had no additional recommendations on the Land Use Map.

Transportation Maps

The Committee support BPAC's recommendation to include the 'Unincorporated Bikeways/Walkways Facilities Plan Map' in the Comprehensive Plan. We also recommend cleaning up the layers on the map for clarity.

The Committee recommends the addition of the 'FDOT District One Federal Functional Classification/Urban Boundaries' Maps.

The Committee strongly supports the addition of the 'Transit Development Plan Map: Cost Feasible Plan and Needs Plan' into the Comprehensive Plan.

To review these recommendations in detail, please see the attached information in the memo packet.

Please let us know if you have questions.

Cc:

Holly Schwartz; Mary Gibbs; Paul O'Connor



RECEIVED
APR 29 2014

COMMUNITY DEVELOPMENT

Reply to
Charles J. Basinait
Direct Fax Number 239.344.1580
Direct Dial Number 239.344.1204
E-Mail: charles.basinaid@henlaw.com

April 28, 2014

VIA EMAIL AND U.S. MAIL

Paul O'Connor
Director of Planning
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

Re: **REVISED LETTER:** CPA2011-00008 and a parcel of land located at the northwest quadrant of US 41 and Coconut Road and identified via strap numbers 09-47-25-00-00002.0040, .0030, .0020 and .0080

Dear Paul:

Please be advised that this firm represents the interests of General Real Estate Corporation (GREC) (Brandon Lurie). GREC is in the process of purchasing this parcel from its present owner, CRE Holdings, LLC. My client intends on developing a mixed use center on this parcel to include high density residential as well as retail and office space.

As a consequence, my client is requesting that the current comprehensive plan amendment regarding the Land Use Element of the Lee County Comprehensive Plan identified as CPA2011-00008 be revised to designate the subject property as "Urban Places" as opposed to the current proposed designation of "Urban Neighborhood". The additional density provided for in the "Urban Places" designation is critical to enhance the Estero community objectives along their major transportation corridors and to assist in the success of mixed use projects in general.

In addition, my client is requesting that Lee County initiate a map amendment to Lee Plan Map 1, page 6 of 8 "Special Treatment Areas-Mixed Use Overlay" in the Lee Plan so as to include the subject property in the mixed use overlay area outlined on the Mixed Use Overlay map. Presently the Mixed Use Overlay map includes the property on the east side of US 41 commencing at the northern boundary with the City of Bonita Springs and going north along the east side of US 41 to Broadway in Estero.



In conversations with both Lee County Planning Staff and Estero Community Leaders the additional density along with the ability to include a mix of residential and commercial uses within a unified community was, I believe, well received and consistent with each group's goal for the Land Use Element Amendment. In the proposed Estero Community Plan revisions (CPA2014-00003), proposed Policy 19.1.1 c. seeks to establish higher density, mixed-use development within areas targeted on the Mixed-Use Overlay. Objective 19.2 and its related policies speaks to the promotion of mixed-use centers and walkable mixed-use town centers and economic areas featuring diverse housing options. My client desires to adhere to these objectives and policies in accordance with the vision of the Estero leaders. The intersection of US 41 and Coconut Road is one of the most important intersections in Estero, and with excellent available traffic capacity the project's location is well suited for a pure mixed use walkable community that could be a focal point for the Estero community.

I intend on appearing at the Local Planning Agency hearing on Monday, April 28th, to request inclusion of these revisions to the Lee Plan.

Thank you.

Sincerely,



Charles J. Basinait

CJB/krs

cc: *Via Email*
Brandon Lurie
Tom McLean
Brandon Dunn
Pam Houck
Holly Schwartz
Janet Miller
Dennis Church
David Mulika
Noel Andress
Mitch Hutchcraft
Jim Green
Rick Joyce
James Ink



Henderson|Franklin
ATTORNEYS AT LAW

1715 Monroe Street • Fort Myers, FL 33901
Post Office Box 280 • Fort Myers, FL 33902
Tel: 239.344.1100 • Fax: 239.344.1200 • www.henlaw.com

Bonita Springs • Sanibel

Reply to
Charles J. Basnait
Direct Fax Number 239.344.1580
Direct Dial Number 239.344.1204
E-Mail: charles.basnait@henlaw.com

April 25, 2014

VIA EMAIL AND U.S. MAIL

Paul O'Connor
Director of Planning
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

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Dear Paul:

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As a consequence, my client is requesting that the current comprehensive plan amendment regarding the Land Use Element of the Lee County Comprehensive Plan identified as CPA2011-00008 be revised to designate the subject property as "Urban Places" as opposed to the current proposed designation of "Urban Neighborhood". The additional density provided for in the "Urban Places" designation is critical to enhance the Estero community objectives along their major transportation corridors and to assist in the success of mixed use projects in general.

In addition, my client is requesting that Lee County initiate a map amendment to Lee Plan Map 1, page 6 of 8 "Special Treatment Areas-Mixed Use Overlay" in the Lee Plan so as to include the subject property in the mixed use overlay area outlined on the Mixed Use Overlay map. Presently the Mixed Use Overlay map includes the property on the east side of US 41 commencing at the northern boundary with the City of Bonita Springs and going north along the east side of US 41 to Broadway in Estero.



Henderson, Franklin, Starnes & Holt, P.A.

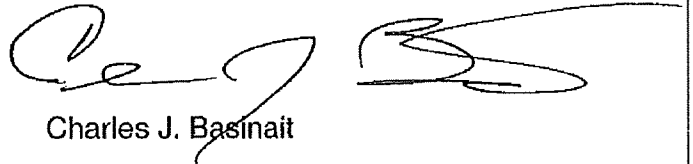
Paul O'Connor
April 25, 2014
Page 2

In conversations with both Lee County Planning Staff and Estero Community Leaders the additional density along with the ability to include a mix of residential and commercial uses within a unified community was, I believe, well received and consistent with each group's goal for the Land Use Element Amendment. In the proposed Estero Community Plan revisions (CPA2014-00003), proposed Policy 19.1.1 c. seeks to establish higher density, mixed-use development within areas targeted on the Mixed-Use Overlay. Objective 19.2 and its related policies speaks to the promotion of mixed-use centers and walkable mixed-use town centers and economic areas featuring diverse housing options. My client desires to adhere to these objectives and policies in accordance with the vision of the Estero leaders. The intersection of US 41 and Coconut Road is one of the most important intersections in Estero, and with excellent available traffic capacity the project's location is well suited for a pure mixed use walkable community that could be a focal point for the Estero community.

I intend on appearing at the Local Planning Agency hearing on Monday, April 28th, to request inclusion of these revisions to the Lee Plan.

Thank you.

Sincerely,



Charles J. Basinait

CJB/krs

cc: *Via Email*
Brandon Lurie
Tom McLean
Brandon Dunn
Pam Houck
Holly Schwartz
Janet Miller
Dennis Church
David Mulika
Noel Andress
Mitch Hutchcraft
Jim Green
Rick Joyce
James Ink

Reply to
Charles J. Basnall
Direct Fax Number 239.344.1580
Direct Dial Number 239.344.1204
E-Mail: charles.basnall@henlaw.com

April 25, 2014

VIA EMAIL AND U.S. MAIL

Paul O'Connor
Director of Planning
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

Re: CPA2011-00008 and CPA2014-00003
North Point DRI Site in Estero
Strap No. 33-46-25-00-00019.0000

Dear Paul:

Please be advised that this firm represents the interests of the above referenced parcel. My clients have requested that I communicate to you their comments relating to CPA2011-00008 (Future Land Use Element amendment to the Lee Plan) and CPA2014-00003 (Estero Community Plan revisions under Goal 19 of the Lee Plan).

Given the breadth of the revisions being proposed to both the Lee Plan Land Use Element and the Estero Community Plan contained in Goal 19 of the Lee Plan I intend on keeping my comments general in nature but plan to appear at the Local Planning Agency (LPA) meeting on Monday April 28th to include my comments on the record.

With respect to CPA2011-00008 my clients are requesting that their property be included within the "Urban Places" designation as opposed to the "Urban Neighborhood" designation. The subject property is located adjacent to a six lane section of US 41, has adequate water and sewer capability, has a regional park nearby and is thus located in an area of the County where higher densities are clearly appropriate. One of the mantras that has recently been espoused by Lee County is to locate higher densities in areas that can support them. I would submit to you that the subject property is consistent with this concept and should be included in the "Urban Places" designation. In addition, this request is consistent with proposed Policy 1.1.2 f. of CPA2011-00003, which states the following: "Supporting the development of higher



Paul O'Connor
April 25, 2014
Page 2

levels of density and intensity in Urban Areas by providing greater levels of public services, infrastructure, and park resources;"

As for CPA2014-00003 my clients wish to emphasize the importance of flexibility in development design. Much of the Estero Community Plan speaks to the importance of mixed use development which my clients agree with so long as it is not a requirement for all development. There are numerous occasions where mixed use is simply not appropriate, either from a locational standpoint or perhaps based on market conditions. It is really not the panacea to cure all development ills as it has been portrayed by some. Often times, especially in areas of lower density, it just does not work.

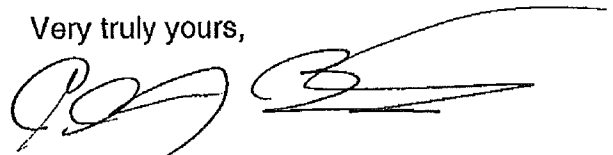
In those areas where mixed use may be appropriate it is important to understand that horizontal mixed use is equally effective as vertical mixed use if done properly and, in fact, history would tell us that in Lee County horizontal mixed use has been more effective as between the two. In line with this concept there needs to be a place for single use buildings and large areas of residential density in mixed use projects, thus maintaining what could be the most important aspects of any project that is going to be an enhancement to the community within which it is located--flexibility in design and flexibility to respond to market conditions.

While I have not discovered any mixed use provisions in CPA2014-00003 or CPA2011-00008 or in the Lee Plan in general that would preclude horizontal mixed use with single use buildings and large areas of residential or in turn require multi-use buildings that would include residential as one of the uses in a mixed use project, I think it is important to emphasize how critical this flexibility is to any development for it to be successful and an enhancement to the community that it is located in. As I have attempted to stress in this correspondence my clients firmly believe that flexibility in design and the flexibility to respond to market conditions is paramount.

As I indicated previously I will be attending the April 28th LPA meeting to place my comments on the record.

Thank you and please contact me if you have any questions in the interim.

Very truly yours,



Charles J. Basinait

CJB/krs

Paul O'Connor
April 25, 2014
Page 3

cc: *Via email*
Pam Houck
Brandon Dunn
Holly Schwartz
Janet Miller
Dennis Church
David Mulika
Noel Andress
Mitch Hutchcraft
Jim Green
Rick Joyce
James Ink
Nick Batos
Howard Levitan

4/28/14 LPA Meeting

RE: Land Use Map, Bayshore Community

LPA Members,

We would appreciate your consideration of the issue discussed below since it is an extremely important matter to the Bayshore Community. On April 15th 2013 County Staff came to a Bayshore meeting to present the draft land use map for Bayshore. We reviewed the map and supported the revisions made to the current map, which changed an area north of Bayshore Road from sub-outlying suburban to rural. This change is important to the Bayshore Community because of the flood prone nature of Bayshore and because the area in question is within the watersheds that experience the most severe flooding problems. We know that the higher the allowable density, the more land that needs to be filled within the floodplain which exacerbates the flooding. We've seen the studies that conclude this point. So we were distressed to discover on April 17th 2014 that the new draft map reverted the land use to sub-outlying suburban.

Severe flooding in many parts of Bayshore has always been a problem. In 1981 the BOCC declared a building moratorium in Bayshore due to flooding. Yet somehow the land use for one of the most flood prone areas was later designated as sub-outlying suburban. We know how there are influences that sometimes cause bad decisions to be made. Anyway, in more recent years, states of emergency have been declared in Bayshore due to flooding in 2006, 2008, 2010, and 2013. So the problem has never been substantially addressed. Please consider the following from the Lee Plan (I've added the blue highlights).

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or **require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.**

OBJECTIVE 59.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will **improve the protection of present and future uses of real property from**

stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water.

POLICY 60.5.5: The County will continue to coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and /or credits for implementation of regional surface water management systems that address flood protection, water quality/environmental enhancement and water conservation.

POLICY 61.3.2: Floodplains must be managed to minimize the potential loss of life and damage to property by flooding.

GOAL 110: HAZARD MITIGATION. To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes.

Please also note that map 9 of the Lee Plan designates Bayshore along with the Six Mile Cypress Slough as areas that flood due to rainfall.

When Stoneybrook North was reviewed by Water Management at their August 14th 2008 meeting the following comments were made by 2 of the governing board members. At the time US Homes was planning a subdivision at 2 units per acre within the floodplain where we're asking the land use to be changed.

Shannon Estenoz's comments:

"When I was first shown this aerial, the very first thought in my head was, this is the craziest comp planning thing I have ever seen in my entire life."

"So today-what we have here- in my experience this happens to neighborhoods all the time. This happens to just citizens who are moms and dads and teachers where they have to become land-use experts. Experts in incredibly complex law that they have to hire attorneys because government is doing what I frankly think is really piecemeal and poor decision making."

"This screams better big picture thinking."

"Where you have this huge PUD in the middle of a rural area discharging to the Caloosahatchee River where we as an agency are paying hundreds of millions of dollars to restore the Caloosahatchee and estuary. I just, I hope that the next generations of decision makers does a better job than this and that 10 years from now a board member does not have to look at an aerial like this and scratch their head and go "What in the world"- how does this kind of thing happen."

One of Melissa Meeker's comments was:

"I could keep rattling off this list of these large areas that are very low density. They were cheaper pieces of property, the taxes were low because there were no services. As newer homes were built they were built higher so they would not flood which just made the flooding worse in the area. It's bad planning."

Many Bayshore residents have endured severe flooding that occurs every 2-3 years. If you haven't experienced it, it's hard to appreciate the distress caused when flooding lasts for weeks and months, there's no place to put your animals, access to your home is at risk, your septic tank is submerged and doesn't work, and services such as garbage, mail, and UPS are suspended. The current residents deserve implementation of the goals, objectives, and policies of the Lee Plan quoted above.

We have an opportunity with the updated Land Use Map to reduce potential exacerbation of the problem by reducing the density in this flood prone area. If we don't do something now, then when?

We ask that the LPA direct Staff to reinstate the rural designation for the areas in Bayshore north of Bayshore Road now shown as sub-outlying suburban, and prepare a recommended plan to implement the change. Property owners in the area effected by the change can be issued TDR's which can be sold as compensation. (Please note that policy 60.5.5 above talks about credits to address flood protection) This needs to be done for the health, safety, and welfare of the Bayshore Community.

Thank you,

Steve Brodtkin

President CCBC

(Concerned Citizens of Bayshore Community)

March 18, 2014
Lee County Development Dept.
Attn: Paul O'Connor
P O Box 348
Fort Myers, FL 33902-0398

Dear Mr. O'Connor,

Judith A. Kamnski, Janet L. Pallo and John D. Pallo, owners of condominium # 101, Riverside Beach, Strap #17-45-24-01-00000.00CE, 12498 Riverside Drive, Fort Myers, 33919 ask that you consider our objection to the property we own for redesignation from Central Urban to S-6, which would change our present allocation from 10 units per acre to 6 units per acre..

Rezoning to S-10 instead of S-6 secure would secure our present 10 units per acre.

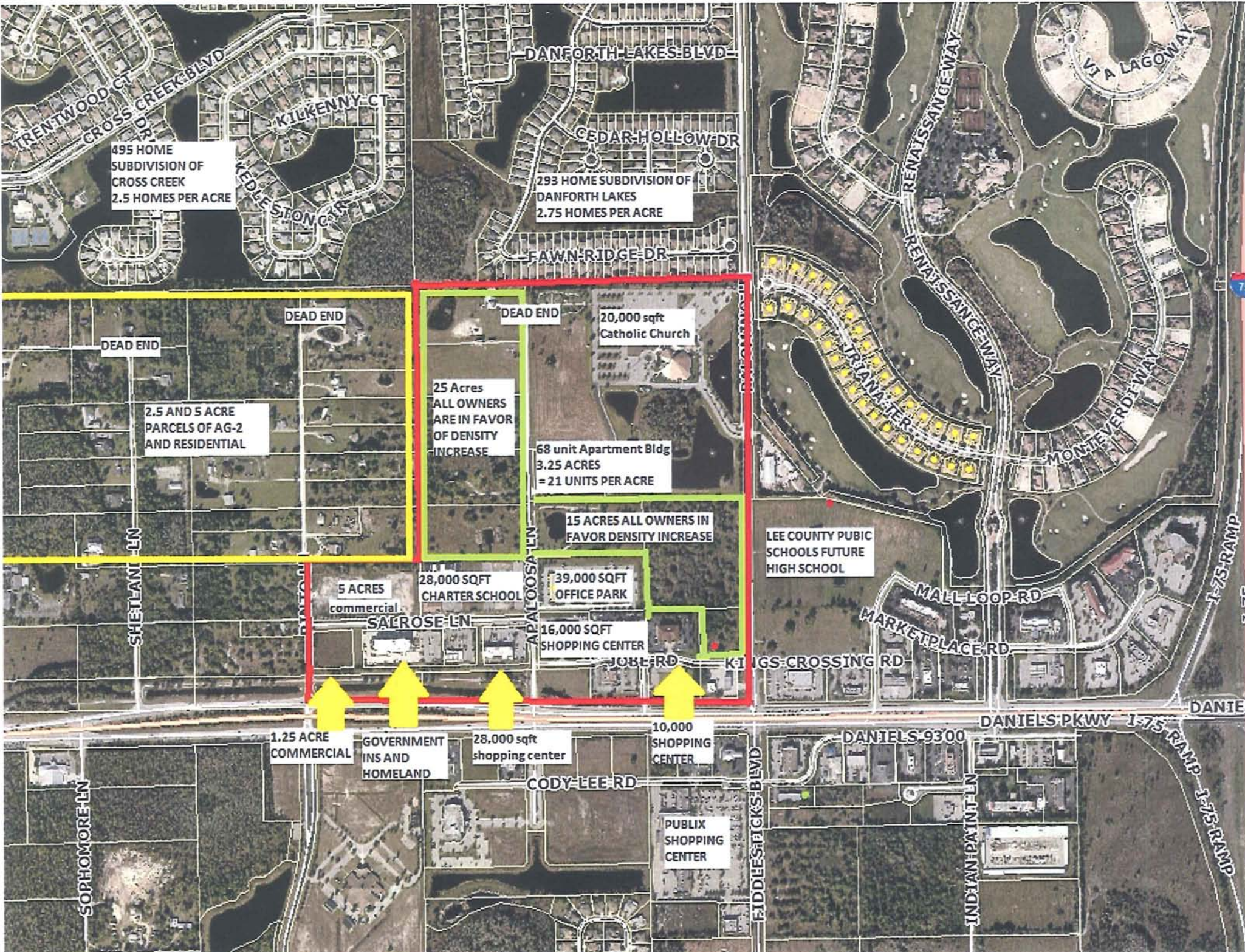
Riverside Beach property owners would obviously benefit if there were a future development. The county would benefit as well from the larger tax base

Thank you for your help,

Unit Owners:

101	<u>Judith A Kamnski</u>	102	<u>[Signature]</u>
103	<u>Janet M Campbell</u>	104	<u>A Hall</u>
105	<u>_____</u>	106	<u>Allen & Carl</u>
107	<u>_____</u>	201	<u>Ethel Barbara</u>
202	<u>[Signature]</u>	203	<u>A Hall</u>
204	<u>Anthony J Giordano</u>	205	<u>Frank J Sambuca</u>
206	<u>_____</u>	207	<u>_____</u>

Copy to:
Chahram Badamtchian, AICP Senior Planner
Brandon D. Dunn, Senior Planner



495 HOME
SUBDIVISION OF
CROSS CREEK
2.5 HOMES PER ACRE

DANFORTH LAKES BLVD

CEDAR HOLLOW DR

FAWN RIDGE DR

DEAD END

20,000 sqft
Catholic Church

25 Acres
ALL OWNERS
ARE IN FAVOR
OF DENSITY
INCREASE

68 unit Apartment Bldg
3.25 ACRES
= 21 UNITS PER ACRE

15 ACRES ALL OWNERS IN
FAVOR DENSITY INCREASE

28,000 SQFT
CHARTER SCHOOL

39,000 SQFT
OFFICE PARK

16,000 SQFT
SHOPPING CENTER

5 ACRES
commercial

SAL ROSE LN

APALOSA LN

JOB RD

KINGS CROSSING RD

MALL LOOP RD

MARKETPLACE RD

DANIELS PKWY

1.25 ACRE
COMMERCIAL

GOVERNMENT
INS AND
HOMELAND

28,000 sqft
shopping center

10,000
SHOPPING
CENTER

PUBLIC
SHOPPING
CENTER

CODY LEE RD

DANIELS 9300

DANIELS PKWY

I-75 RAMP

I-75 RAMP

SOPHOMORE LN

SHELL LN

DEAD END

DEAD END

2.5 AND 5 ACRE
PARCELS OF AG-2
AND RESIDENTIAL

TRENTWOOD CT
CROSS CREEK BLVD

KILKENNY CT

KEDLE STON CTR

RENAISSANCE WAY

VIA LAGOWAY

MONVERDI WAY

IRISH AMBER

I-75 RAMP

I-75 RAMP

I-75 RAMP

**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, Nicholas Paulus (name), as Owner of real property located at 13300 Apaloosa Lane, Fort Myers, Florida 33912, 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 acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.


Signature

04/20/14
Date

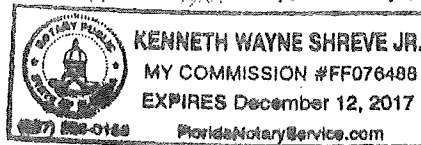
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 04/20/14 (date) by Nicholas Paulus (name of person providing oath or affirmation), who is personally known to me or who has produced License (type of identification) as identification.

STAMP/SEAL


Signature of Notary Public



**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, Charles A Navy (name), as Owner of real property located at 13000 Apaloosa Lane, Fort Myers, Florida 33912, 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 acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Charles A Navy
Signature

12/04/13
Date

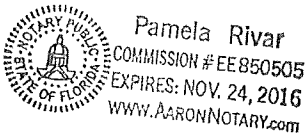
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Dec. 14, 2013 (date) by Charles A. Navy (name of person providing oath or affirmation), who is personally known to me or who has produced N/A (type of identification) as identification.

STAMP/SEAL

Pamela Rivar
Signature of Notary Public



**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, C.C.M Meyers and Grace A. Meyers ^{GAL} (name), as Owner of real property located at 13100 Apaloosa Lane, Fort Myers, Florida 33912, 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 acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Calvin C. Meyers 12/12/13
 Signature Date
Grace A. Meyers 12/12/13
Grace A. Meyers

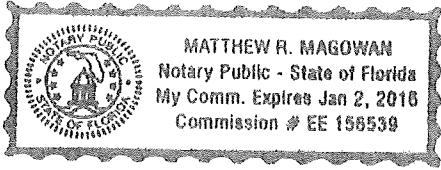
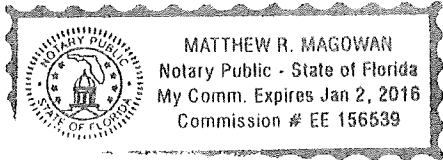
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
 ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
 COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 12/12/13 (date) by Calvin Meyers and Grace Meyers (name of person providing oath or affirmation), who is personally known to me or who has produced FL Drivers License (type of identification) as identification.

STAMP/SEAL

Matthew Magowan
 Signature of Notary Public
 Matthew Magowan



**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, Andrew R. Bensi, Managing Member of Appaloosa 10 Properties, LLC (name), as Owner of real property located at 13200 Apaloosa Lane and 13250 Apaloosa Lane, Fort Myers, Florida 33912, 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 acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Andrew R. Bensi
Signature

1/6/14
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF NEW YORK
COUNTY OF NASSAU

The foregoing instrument was sworn to (or affirmed) and subscribed before me on January 6th, 2014 (date) by Andrew R. Bensi (name of person providing oath or affirmation), who is personally known to me

STAMP/SEAL

[Signature]
Signature of Notary Public

DANIEL J. HERRERA
Notary Public, State of New York
No. 021HE6086478
Qualified in New York County
Commission Expires March 21, 2015

**AFFIDAVIT REGARDING PROPOSED LEE COUNTY
COMPREHENSIVE PLAN MAP CHANGES**

I, DR. VOLODYMYR SMERYK (name), as Owner of real property located at 13060 Palomino Ln Fort Myers Fort Myers, Florida, 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 acknowledge the fact that the current Future Land Use Category for my property is **Outlying Suburban**, which permits a maximum density of 3 dwelling units per acre.
2. I am aware that the *proposed* Future Land Use Category for my property is **Suburban 4**, which permits a maximum density of 4 dwelling units per acre.
3. I am in full support of proposing a higher maximum density and propose the Outlying Suburban category for this particular area along the Daniels corridor be changed to **Urban Neighborhood**, which permits a maximum density of 8 dwelling units per acre with Incentives to increase the maximum density to 16 dwelling units per acre.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Volodymyr Smeryk
Signature

3-25-2014
Date

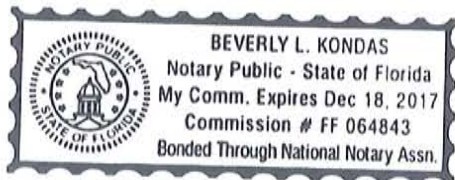
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 25th (date) by March, 2014 Volodymyr Smeryk (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

Beverly L. Kondas
Signature of Notary Public



536 Evergreen Road, North Fort Myers, FL

Aerial Photograph

