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November 23, 2016

Mr. Wayne Arnold
3800 Via Del Rey
Bonita Springs, FL 34134

Re: Pelican Landing Commercial Planned Development (CPD)/Residential
Planned Development (RPD) Amendment, PD15-23946-BOS

Dear Mr. Arnold:

The Zoning Division has reviewed the information provided and supplemented for the planned development amendment request referenced above. Additional support documentation is required for the application to be deemed complete. Please provide comments for each requirement not satisfied on the attached checklist.

If the requested items are not provided within 60 calendar days of this letter, this application will be considered withdrawn.

Please feel free to contact me if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jacqueline Toemmes Genson, AICP
Planning and Zoning Manager

Copy:
Audrey Vance, City Attorney
Leah Fontanez, Assistant to the City Attorney's Office
Arleen Hunter, Assistant City Manager
John Dulmer, AICP, Community Development Director
Jay Sweet, Planner, AICP and PSM
Michael Kirby, CEP
Tom Ross, Transportation Review
Walter McCarthy, Village of Estero
Angela Dietrich, Lee County
David Theriaque, Theriaque & Spain
PD Files

BONITA SPRINGS Planning and Zoning

Items in italics indicate further information is needed to address insufficiency comments from the July 11, 2016 letter.

1. Application.
 - a. Part 5A. Please complete.

The sufficiency response indicated that this was provided; however, the Part 5a remains blank. The property also contains lands designated as Wetlands on the Lee County Future Land Use Map (FLUM).

- b. Part 7. Please complete in accordance with the Lee County Land Development Code (LDC), Administrative code, and the Lee County Development of Regional Impact (DRI) Development Order for Pelican Landing.

Please clarify the purpose of the last sentence in the sufficiency response.

- c. Part 8. Any application material that did not receive a waiver previously is required or another waiver request must be submitted.

The sufficiency response indicates that a waiver has been submitted for items 8D and 8H; however, the waiver identifies items Part 8H and not 8D. Staff acknowledges that on the revised application, the applicant has marked "N/A" for Part 8D relative to Shoreline Stabilization.

- d. Request Statement and Demonstration of Compatibility.
 - i. FDC Analysis.

1. Pages 1-2. It should be clarified that all development in the Pelican Landing Development of Regional Impact (DRI) is required to comply with the Hurricane Preparedness conditions in both the City and County DRI development orders. If this new development is not a part of the Pelican Landing Community Association, then WCI shall be required that this separate Property Owner Association (POA) be advised of these conditions.

In portions of the sufficiency response the applicant claims they are not bound by the County DRI Development Order (DO), but then in other parts uses it as a justification for other sufficiency items.

Florida Statutes 380.16(15)(h). If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order. The City of Bonita Springs has not adopted a new DRI development order for this property; therefore, it is bound by the current County DRI as last amended in Lee County Resolution No. 13-08-06. This property is also pending an application for an E2 change, which will bring this property into the City DRI with the applicable and appropriate County DRI conditions.

2. Page 4.
 - a. Please explain how the occupancy rate and persons/unit calculation.

The footnote explaining the occupancy rate is not displayed in its entirety. Please revise.

3. Page 5.
 - a. Policy 105.1.5. A portion of this statement is inaccurate. The portion of the parcel located in the Kersey Smoot RPD has been designated as a golf course since 1998. The portion of the parcel located within the Pelican Landing CPD/RPD RPD Area E only allowed for multi-family at a maximum height of 75' above minimum flood elevation with no more than 6 habitable floors, but was rezoned in 2000 for incorporation into the golf course development.

Lee Plan Policy 105.1.5

POLICY 105.1.5: *Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. (Added by Ordinance No. 05-19)*

While the applicant is not requesting to increase the number of units of the Pelican Landing CPD/RPD or the DRI, the request is to reallocate units to an area of the MCP and DRI that as originally approved and as subsequently amended, is not approved for such uses nor at the requested density. Only Pelican Landing CPD/RPD RPD land development Area E was designated for a variety of residential uses at a maximum height of 75' with no more than 6 habitable floors.

The 1994 PD/DRI Hearing Examiner (HEX) report indicated that the applicant originally requested 12 buildings and one hotel in the original deviation request for RPD Areas E, F and CPD Area B. The report indicated that these areas were more appropriate for lower density residential uses and building heights based on consistency with the Lee Plan and the LDC criteria to review deviations. The HEX recommendation was for no more than 240 residential units north of Coconut Road; however, staff understands that the Lee County Board of County Commissioners did not retain that language. Instead they only allowed the deviation to apply to only 8 buildings in RPD Areas F and for one hotel CPD Area B, not this area (RPD Area E).

This amendment request is a zoning request, which is located within the CHHA with its primary means of evacuation on Coconut Road. The amendment request reallocates previously approved units to areas that have no current residential density assignment according to the adopted MCPs and Map H's; therefore, the request is an increase in density. Staff acknowledges that planned development density is applied by gross acreage; however, this request is moving from a net density of 0 dwelling units (du)/acre to over 7 du/acre.

The City of Bonita Springs Comprehensive Plan does not have a similar policy as Lee Plan Policy 105.1.5. This amendment request was analyzed by staff during the review of the City's Comprehensive Plan, Resolution 03-83, and the Bonita Springs LDC; this remand order was requested to review the request under the Lee Plan and Lee County LDC. Based on the review of the Lee Plan Policy, staff believes this amendment request is inconsistent with this policy.

The Annexation Agreement between the City of Bonita Springs and the applicant contemplated a zoning change concurrent with the City's comprehensive plan amendment. Subsequently, the applicant changed the request to review under the Lee Plan and Lee County LDC. The Annexation Agreement does not address review under the Lee Plan and Lee County LDC regulations.

Additionally, a complaint was filed in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida related to the Pelican Landing Golf Resort Ventures Limited Partnership Annexation Agreement. The applicant references the Annexation Agreement as justification and/or a response to staff's July 11, 2016 insufficiency letter. The applicant may care to provide a supplemental justification and/or a response to staff's comments above and separate from the Annexation Agreement.

2. Lee Plan Consistency

- a. Future Land Use Element (FLUE) Policy 5.1.2. Public comment at the February 3, 2016 meeting indicated that the Kersey Smoot RPD and Pelican Landing CPD/RPD RPD Area E was historically entitled with lower density and private recreational development. Staff acknowledges that the DRI development order lists conditions relative to Hurricane Preparedness as outlined in the 1994 DRI development order. However, this request would

expose far more residents to hurricane hazards north of Coconut Road than what was originally contemplated when the companion DRI and rezonings were first approved (Pelican Landing CPD/RPD in 1994; Kersey Smoot RPD in 1998).

Please provide a copy of the original Hurricane Preparedness analysis that was submitted with the original DRI, which resulted in the DRI Hurricane Preparedness Conditions. Staff wants to review the analysis as it pertains to areas for residential development and evacuation impacts.

- b. FLUE Policy 5.1.7. Please explain what community facilities will be available to all dwelling units and if it will be easily accessible via pedestrian and bicycle pathways.

The sufficiency response letter does not address this comment; however, tab 19 provides the information requested. Please verify if these will be accessible via pedestrian and bicycle pathways.

- c. FLUE Policy 5.1.10(c). Density across more than one future land use classification. This policy was adopted by Lee County in 1990 and amended in 1992, which specified language regarding that the land be under single ownership at the time this policy was adopted and is contiguous. The Kersey Smoot property was acquired in 1998, which is after this policy was adopted. Please explain how this request to shift density from the Pelican Landing CPD/RPD is consistent with this policy.

The sufficiency response did not address this comment. Density is defined in Subdivision II. - Residential Development of LDC 34. Page 16 of the August 17, 1998 Kersey Smoot RPD staff report provided a Lee Plan analysis for gross density for the RPD in addition to citing the gross density for the DRI.

The Annexation Agreement between the City of Bonita Springs and the applicant contemplated a zoning change concurrent with the city's comprehensive plan amendment. Subsequently, the applicant changed the request to review under the Lee Plan and Lee County LDC. The Annexation Agreement does not address review under the Lee Plan and Lee County LDC regulations.

Additionally, a complaint was filed in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida related to the Pelican Landing Golf Resort Ventures Limited Partnership Annexation Agreement. The applicant references the Annexation Agreement as justification and/or a response to staff's July 11, 2016 insufficiency letter. The applicant may care to provide a

supplemental justification and/or a response to staff's comments above and separate from the Annexation Agreement.

- d. FLUE Objective 19.7. Please submit the public information meeting summary report in accordance with Lee Plan FLUE Policy 19.7.3 and LDC 33-54.

Concerns of the monitoring and traffic counts conducted off-season was also a concern. Staff acknowledges that the TIS traffic data counts were done in March 2016.

3. Lee County LDC

- a. LDC 34-935(f)(1)e. Staff understands the applicant is proposing to amend deviation 12, which is for this LDC section. Please demonstrate how the request to redevelop an existing golf course increases common open space for the purpose of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic views.

Staff acknowledges that portions of the golf course were originally a part of the Kersey Smoot RPD and that the golf course was not considered part of common open space as it relates to the DRI. Staff's point is that the redevelopment of this property, which is currently a golf course, does not increase common open space for the purpose of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic views.

- b. The applicant is requesting to amend Z-94-14, deviation 12 to add area F1 and the ability for up to 4 more towers north of Coconut Road. Please provide a deviation request and justification. Please also provide the staff report and back up relative to the original request in 1994 from Lee County case 94-04-05-DRI-01.

The sufficiency response did not provide the original 1994 applicant justification for the deviation and staff's recommendation as requested. Please provide.

Please provide the deviation request with the written justification per LDC 34-373(a)(9). The justification shall include how deviation meets LDC 34-145(d)(4)a2c).

Please explain the objective of showing the property included in Tab 12 for conservation easement purposes. The applicable DRI Map H designation and RPD MCP designation show this area as a part of Canoe Park and as a Wetland Preserve Area.

Additionally, this parcel has a Wetlands Future Land Use Category Classification according to the Lee County FLUM. Further this property is located within unincorporated Lee County; and is outside the jurisdiction of the City of Bonita Springs.

According to the HEX Recommendation Report for the 1994 Pelican Landing DRI and Pelican Landing CPD/RPD, the applicant originally requested high rise development in the Parcel E area of the Pelican Landing CPD/RPD. The HEX opined that this concentration of development abutting wetlands of the Estero Bay was inconsistent with Lee Plan. While some of those Goals, Objectives, and Policies have been amended, the general intent of Policy 107.2.10 has not changed.

- c. LDC 34-373(a)(6). Please provide the master concept plan detail consistent with this section. The applicant may request a waiver if they wish to use Z-94-14 Condition 1 relative to the final plan approval process.

The sufficiency response indicates that a waiver was requested; however, Tab 9 provided a Conceptual Master Plan. Is this document intended to be the Master Concept Plan or is the applicant using this for informational purposes only with the intent to use the final plan approval process as outlined in Z-94-14 Condition 1?

- d. LDC 34-378(b). Staff acknowledges that the applicant is requesting to use existing dwelling units that were approved in Z-94-14; however, this request entails new residential dwellings units on property that was developed and has current zoning entitlements as a golf course. Therefore, these residential units from Z-94-14 are not vested as to density or intensity.

Staff acknowledges the language that exists in both the County and City DRIs relative to item 14 in Part III LEGAL EFFECT AND LIMITATIONS OF THE DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS. While the applicant is not requesting to increase the number of units of the Pelican Landing CPD/RPD or the DRI, the request is to reallocate units to an area of the MCP and DRI that was originally approved and as subsequently amended, is not approved for such uses nor at the requested density. Only Pelican Landing CPD/RPD RPD land development Area E was designated for a variety of residential uses at a maximum height of 75' with no more than 6 habitable floors.

Kersey Smoot RPD

- e. Z-07-031. Staff acknowledges that the Kersey Smoot RPD was approved with 362 units. Please provide the number of units built in Kersey Smoot to date. Please explain if the applicant is proposing to retain all 362 units within this planned development. If so, please demonstrate consistency with the Lee Plan for this reduced area.

The sufficiency response does not address this comment. Density is defined in Subdivision II. - Residential Development of LDC 34. Page 16 of the August 17, 1998 staff report provides a Lee Plan analysis of the gross density for the RPD in addition to citing the gross density for the DRI. Please provide the updated gross density for the Kersey Smoot RPD based on the reduced land area.

- f. Z-98-066, explain how this request affects Condition k and m.

If this request is considered for approval conditions relative to pesticide management shall be required based on the proximity to the wetlands and Estero Bay.

4. Pelican Landing CPD/RPD

- a. Z-94-14, Condition 19. Please provide the unit breakdown by development and Lee County Future Land Use Classification to demonstrate consistency. Staff acknowledges in 2002, the City of Bonita Springs portions of the Pelican Landing CPD/RPD (prior to the 2014 annexations) were assigned the Moderate Density Mixed Use Planned Development classification; however, each final plan approval and/or local development order should have provided the unit breakdown consistent with this condition.

If available, please provide a list identifying each final plan approval and/or local development order with the unit breakdown consistent with this condition.

- b. Z-94-14, Condition ~~20~~ 21. Please verify the current golf acreage that exists in this RPD/CPD and what will remain if this amendment is approved.

The sufficiency response referenced the incorrect Condition. Environmental Condition 21 required the following:

Golf Course Open Space:

Golf Course 100.00 +/- acres minimum

(To include extra indigenous preservation where possible)

5. Miscellaneous.
 - a. Please find attached comments from the Village of Estero Please provide responses to those agency comments.
 - b. The City of Bonita Springs has retained David Theriaque for outside counsel for this project. Staff intends to ask Mr. Theriaque questions pertaining to this application, which may trigger additional comments relative to this zoning case and the companion DRI case, outside of this sufficiency review.
 - c. Miscellaneous. Please provide staff's questions with the response to sufficiency document. Please provide one hard copy original and then one PDF copy of the sufficiency response submittal (disc or flash drive).

Please contact Jacqueline Genson, AICP, Planning and Zoning Manager
Phone: 239.444.6163
E-mail: Jacqueline.genson@cityofbonitaspringscd.org

BONITA SPRINGS Transportation Review

1. The Existing Traffic Conditions Table on Page 12 indicates that US 41 is currently operating at LOS C. However, this does not reflect peak season, peak hour, peak direction conditions. Use the data from the FDOT count station 120065 on US 41 north of Old 41. The peak hour/peak direction count taken on 10-20-2015 was 2910 vph. This volume must be converted to peak season for the concurrency evaluation. Use the PSCF for the Bonita Springs Area for 2015 for the week of 10-18-2015 which is 1.29. This results in an existing peak hour/peak direction/peak season volume of 3754 vph. Using this data, existing US 41 is over capacity during the peak season, peak hour, peak direction. Copies of the FDOT 2015 traffic count for this location and the FDOT 2015 Peak Season Factors for the Bonita Springs Area are attached for reference.
2. The Project Trip Generation Tables on Pages 16 and 17 are mislabeled. The third row refers to the trip type as "External (Pelican Landing)" but Footnote (3) identifies this row as internal captured trips. Please clarify.
3. Future Traffic Projections on Page 15: The text indicates that growth rates of between 2% and greater than 10% were applied to the existing traffic volumes. This is not necessarily appropriate for US 41. The Applicant must add all trips from approved and vested developments in Bonita Springs, the Village of Estero and Lee County to the existing traffic volumes and compare the results to applying historical growth rates to existing traffic volumes. Use which ever method results in the highest background traffic volumes. Document the comparison.
4. Comment 2.a. regarding the TIS Methodology has not been addressed. This comment is restated here: For proposed internal capture, please identify the

- sites, land uses, locations and proposed capture rate. Please be advised that any proposed internal capture trip exchange between complimentary uses within the Pelican Landing DRI that must use or cross an external roadway, including Coconut Road, will be considered an external trip for this study. All internal capture trips must stay on private property for the entirety of the trip.
5. The LOS F conditions identified along Coconut Road west of US 41 must be addressed at the time of Development Order.
 6. Include summary tables in the body of the TIS to demonstrate/support the values stated in Conclusions 4, 5 and 6. Clarify these statements by specifying which segments of Coconut Road are being referred to. It is not intuitive that Pelican Landing DRI traffic only represents 46% of the total future traffic on Coconut Road considering the size of the Pelican Landing DRI compared to all other development trips that utilize Coconut Road.
 7. Explain the statement made in Conclusion No. 8 that "Coconut Road is expected to operate at acceptable level of service without the need for widening." Future volumes shown for Coconut Road west of US 41 clearly show that this segment will be over capacity. Also, the signalized LOS analysis results for the US 41 intersection indicate that the eastbound approach will be over capacity.

Please contact Tom Ross, Transportation Reviewer
Phone: (407) 650-2178
E-mail: tom.ross@ch2m.com

BONITA SPRINGS Environmental

1. Lee LDC 10-474 Management Plan

Staff received the Protected Species Survey for the property but we did not see a management plan for the indigenous areas and listed species. Please provide a management plan for the indigenous areas and listed species for this project area. This plan needs to be consistent with the Estero Bay Aquatic Preserve and the Charlotte Harbor National Estuary Programs goals, policies and guidelines.
2. Lee Plan Policy 108.1.2: Development affecting coastal and estuarine water resources must maintain or enhance the biological and economic productivity of these resources.

Please describe how the phyto-regeneration areas will be constructed and operated.
3. Lee Plan Policy 14.1.5 Rezoning adjacent to Aquatic Preserves or Wetlands must create or preserve a minimum of a 50' wide native buffer between the development and the Aquatic Preserve or wetlands.

Please show that a 50' wide native buffer area is existing or will be created between the development and the Aquatic Preserve or wetlands.

4. Lee Plan Policy 107.2.10 Development Adjacent to Aquatic Preserves. Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

Please show how the scenic values will be preserved for the benefit of future generations.

5. Lee Plan Policy 87.2.1: Lee County will work with state and federal agencies and other groups to explore the possibility of grants, matching funds, contributions, joint-use agreements, sharing of facilities, leasing of land, and volunteer labor which will further the goal of providing a comprehensive park system that properly meets the needs of the county. These cooperative efforts should also include working with private organizations and corporations to form public/private partnerships to achieve the goal.

Will there be public access to the canoe/kayak launch or any other proposed park or open space?

6. Lee Plan Policy 115.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.

If this request is considered for approval, the following condition is recommended: Any redevelopment of the Golf Course Area will meet or exceed the existing water quantity and quality treatment and require the replacement of any photo-regeneration areas. Nutrient loading analysis will be required and provided as part of the evaluation of the modified system. Comparisons of nutrient loading analysis from the old and newly configured system will be used to determine if the new system meets or exceeds the old system. The new system shall have six months to establish itself. Should the new system not meet the water quality treatment of the old system, corrective measures shall be taken within 90 days.

Please contact Michael Kirby, CEP
Phone: 239.444.6142
E-mail: mkirby@cityofbonitaspringscd.org