Pelican Landing RPD/CPD

PD15-23496-BOS

Village of Estero
Public Information Meeting
June 27, 2016
PROPOSED PELICAN LANDING CPD/RPD AMENDMENT:

Submittal Dates:
Initial submittal to City of Bonita Springs
   August 28, 2015

Review one response submittal to City of Bonita Springs
   October 16, 2015

Initial submittal Lee County review to City of Bonita Springs
   April 8, 2016
CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 16-03

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; REMANDING THE REQUEST BY PELICAN LANDING GOLF RESORT VENTURES, LP, FOR FURTHER REVIEW BY THE CITY OF BONITA SPRINGS BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS, ON LAND LOCATED WITHIN THE PELICAN LANDING GOLF RESORT (A/K/A RAPTOR BAY), BONITA SPRINGS, FL 34134, ON 20 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

SECTION ONE: REMAND OF REQUEST

City Council of Bonita Springs hereby remands the rezoning request for the zoning application be reviewed pursuant to Florida Statutes §171.062 (2) which requires that this parcel be reviewed and reanalyzed by staff using the Lee Plan and Lee County zoning or subdivision regulations.

1. Applicant submitted their analysis of their request using the Lee County Comprehensive Plan and Land Development Code.

2. Staff will process the application, to be brought to hearing before the zoning board within six months of this resolution.
### Pelican Landing DRI Residential Density History

<table>
<thead>
<tr>
<th>Date</th>
<th>Dwelling Units</th>
<th>Acres</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994 - Z-94-014</td>
<td>4,050</td>
<td>2,100</td>
<td>1.9 DU/Ac.</td>
</tr>
<tr>
<td>1998 - Z-98-066 – add 204 acres</td>
<td>4,400</td>
<td>2,304</td>
<td>1.9 DU/Ac.</td>
</tr>
<tr>
<td>1999 - Z-99-048 – add 3.2 acres</td>
<td>4,400</td>
<td>2,307.2</td>
<td>1.9 DU/Ac.</td>
</tr>
<tr>
<td>1999 - Z-99-065 – add 72 acres</td>
<td>4,400</td>
<td>2,379.2</td>
<td>1.8 DU/Ac.</td>
</tr>
<tr>
<td>2000 - Z-00-044 – add 140 acres</td>
<td>4,400</td>
<td>2,519.2</td>
<td>1.7 DU/Ac.</td>
</tr>
<tr>
<td>2002 - Z-02-002 – add Bonita Springs boundary and correct legal</td>
<td>4,400</td>
<td>2,475.25</td>
<td>1.7 DU/Ac.</td>
</tr>
<tr>
<td>2006 - Z-06-069 – add 1.45 acres</td>
<td>3,912</td>
<td>2,476.7</td>
<td>1.5 DU/Ac.</td>
</tr>
<tr>
<td>2015 – BZO 15-04 – add 1 acre</td>
<td>3,912</td>
<td>2,477.7</td>
<td>1.5 DU/Ac.</td>
</tr>
</tbody>
</table>
I. FINDINGS OF FACT/CONCLUSIONS OF LAW

J. In accordance with the Development Order condition Section III. Condition 16. herein, the lands within the Spring Creek West DRI were incorporated into this Development Order. Those lands described as the Spring Creek West DRI will only be subject to those terms and conditions set forth in the Eighth Development Order Amendment for the Spring Creek West DRI. They will remain applicable to the property known as the Spring Creek West DRI in the same manner as they are presently applicable, except that one biennial monitoring report that includes both Pelican Landing and Spring Creek West DRIs must be submitted. Additionally the Spring Creek West DRI legal description has been included within the Pelican Landing DRI. Since the Spring Creek West land is part of an almost completely developed vested DRI, there is no reason to alter the conditions within the Spring Creek West DRI Development Order. The Spring Creek West property is vested under the terms and conditions of the Spring Creek West DRI Development Order, and this property will not be considered in any cumulative analysis of Pelican Landing in accordance with Section III Condition 16. The Spring Creek West DRI is built out. The monitoring for a built out DRI only needs to occur for one year after buildout. The Spring Creek West development has essentially been built out for a period longer than one year, but has not been set forth in an agreement in accordance with Florida Statutes §380.032.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

16. In compliance with a condition of the first development order amendment, the developer did amend this Development Order to incorporate the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. A legal description of that portion of the Spring Creek DRI, along with the conditions of the Spring Creek Development Order that are applicable to the Spring Creek West property are now incorporated into this development order). The impacts of the Spring Creek development will not be considered separately or cumulatively in any future change to the Pelican Landing Development Order. A change in the development plan for the Spring Creek property could be a substantial deviation that would require further analysis of Spring Creek West. The amendment was adopted solely for the purpose of consolidating Spring Creek West and Pelican Landing under the same Development Order and none of Spring Creek West's vested rights will be lost because of the amendment.
SUMMARY OF PROPOSED CPD/RPD AMENDMENT:

- Remove 20± acres from the Kersey Smoot RPD area and add the 20± acres to the Pelican Landing CPD/RPD area within the Pelican Landing DRI project
  - Both PD’s are within the Pelican Landing DRI

- Revise Pelican Landing Master Concept Plan to identify residential development area “F1”

- Revise Deviation #12 to include language referencing the maximum of 4 residential highrise buildings

- No new residential units

- Subject property has been previously cleared, filled and developed as golf course
PROPOSED F1 USES:

Permitted Uses in RPD land development Areas B, C, D, and F and F1:
- Residential Uses, including but not limited to:
  - Zero lot line
  - Two family attached
  - Townhouse
  - Duplex
  - Single family
  - Multiple family buildings
- Residential Accessory Uses, including but not limited to:
  - Private garages, carports and parking areas
  - Private swimming pools and enclosures
  - Private tennis courts
  - Private boat docks (where permitted by DRI Development Order)
- Model Homes, Model Units and Model Display Center, limited to residential uses within Pelican Landing
- Temporary Sales and/or Construction Office
- Administrative Offices
- Golf Courses, Golf Course Accessory and Associate Uses, including but not limited to:
  - Club house
  - Maintenance facility
  - Pro shop
  - Alcoholic beverage consumption in the club house
  - Snack bar at the ninth hole or other appropriate location
  - Ball washers
  - Restrooms and other uses which are normal and accessory to the golf course
- Club, country
- Club, private
- Home Occupation
- Entrance Gates and Gatehouse
- Public and Private Parks
- Playground, Tot Lots
- Community Swimming Pools
- Tennis Courts or other community recreational amenity
- Playfields
- Essential Services
- Essential Service Facilities
- Signs
- Excavation-water retention
C. Hurricane Preparedness

1. The developer provided Lee County with the funds for the provision and connection of a portable diesel powered generator for the Gateway Elementary School. The generator must be equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom), and refrigeration and cooking equipment. The developer was responsible for the initial electrical hook-up costs. The selection of the generator was in coordination with Lee County Emergency Management Staff.

3. The provision of the generator serves to mitigate the shelter and evacuation impacts of the project at buildout. Should Lee County ever adopt an impact fee, or other type of levy or assessment to provide funding for shelter space and improvements thereto, the developer will be entitled to a credit against the fee or levy in the amount of the cost of the generator, if eligible under the terms of that impact fee or levy.

8. The developer must develop a hurricane evacuation plan for the DRI. The hurricane evacuation plan must address and include: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program set forth in condition 7 above; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the plan; and f) how the private security force will be integrated with the local Sheriff’s personnel and the Division of Public Safety. The plan must be developed in coordination with the Lee County Emergency Management officials and found sufficient by those officials months after the effective date of the DRI Development Order. **Editorial note: The developer submitted an emergency plan to Lee County Emergency Management for review and approval. The plan must be re-submitted annually to address changes in the development parameters and changes in local hurricane evacuation and sheltering policies. The plan must comply with Lee County Administrative Code 7-7.**

10. Conditions C.1. through C.3. address the hurricane mitigation requirements for the initial 4050 units. The total number of approved units is 3,912 units.
H. Transportation

2. Mitigation

a. The developer will pay impact fees as defined in the Bonita Springs Land Development Code to mitigate Pelican Landing’s transportation impacts on the non-site related roads and intersections set forth in Section H.1.b. above. Road Impact Fees were originally estimated to be $8,900,000 for the land uses identified in Exhibit EF. Road Impact Fee payments represent the DRI’s proportionate share payment for all road and intersection improvements identified in Condition H.1.b. as significantly impacted by this project and operating below the adopted level of service standard by 2002 and as updated through the new buildout year of 2022. Estimated Road Impact Fees from this project exceed the community’s estimated proportionate share dollar amount of all significantly impacted roadway improvements.

If the Land Development Code Chapter governing Impact Fees is repealed, reduced, or made unenforceable by court petition, the Pelican Landing DRI will continue to pay, per individual permit, an amount equivalent to Road Impact Fees prior to such repeal, reduction or court petition. If payment is not made consistent with that schedule, then a substantial deviation will be deemed to occur, and the traffic impacts of Pelican Landing DRI must be reanalyzed to determine appropriate alternative mitigation prior to the issuance of further building permits for the Pelican Landing DRI.

All road impact fee monies paid by the Pelican Landing DRI after adoption of this DRI Development Order will be applied by Lee County and Bonita Springs, consistent with the Interlocal Agreement Pertaining to the Collection of Impact Fees dated August 29, 2000, toward the non-site related improvements included in Transportation Condition H.1.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County’s and City’s Capital Improvement Program. Should the identified improvements be funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Bonita Springs may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Bonita Springs Land Development Code.

d. The developer reserved and dedicated 25 feet of additional right-of-way along the south side of Coconut Road from US 41 west to Spring Creek Road to ensure that improvements to Coconut Road are not precluded. Such right-of-way was dedicated to Lee County. Credits, if any, for the right-of-way dedication will be granted at the time of dedication, and must be consistent with the Land Development Code in effect at that time.