



Civil Engineers • Land Surveyors • Planners • Landscape Architects

April 21, 2017

Jacqueline Toemmes Genson, AICP  
Planning and Zoning Manager  
City of Bonita Springs Community Development  
9220 Bonita Beach Road, Suite 109  
Bonita Springs, FL 34135

**RE: Pelican Landing CPD/RPD Amendment, PD15-23946-BOS  
Review #3 Response**

Dear Ms. Genson:

This correspondence is our response to your sufficiency remand review letter #3, provided to us on April 3, 2017 (via email). Responses to staff comments have been provided in bold.

*BONITA SPRINGS Planning and Zoning*

Insufficiency Items. The comments listed below are requests for application information as identified in LDC 34-373(a) and (b). No hearing will be scheduled for an application for a planned development amendment until the application has been found sufficient pursuant to LDC 4-34-373(d). Items in italics indicate that further information may be needed to address insufficiency comments from the July 11, 2016, November 23, 2016, and/or January 10, 2017 letters.

3. Lee County LDC

- 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 separate deviation request and justification.*

*Please provide a separate deviation request document with the written justification per LDC 34-373(a)(9). The justification shall include how deviation requests meets both tests pursuant to LDC 34-145(d)(4)a2c) in Exhibit IV-H. The Exhibit IV-H submitted August 30, 2016 in Tab 12 does not satisfy this LDC requirement.*

*Based on the insufficiency responses, staff acknowledges that the applicant and staff disagree on the justification as it relates to this deviation request. It is staff's opinion that the area proposed for a conservation easement is afforded protections based on the Wetlands Future Land Use Category Classification on the Lee County Future Land Use Map and Objective 1.5 and Goal 114 of the Future Land Use Element. What additional benefits are gained by placing this already recognized Environmentally Critical Area into a conservation easement?*

*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. It should be noted that the Lee County Board of County Commissioners (BoCC) did not approve the applicant's request for 12 buildings and one hotel in the original deviation request for RPD Areas E, F and CPD Area B and that they only approved 8 buildings in RPD Areas F and for one hotel CPD Area B, not this area (RPD Area E). The BoCC agreed that deviation north of Coconut Road was not appropriate based on the final condition in Z-94-14. While some of those Goals, Objectives, and Policies have been amended, the general intent of Policy 107.2.10 has not changed.*

**RESPONSE:**

The applicant submits that the property development regulations for sub-area F-1 addresses the height limitation. The justification for the deviation that was provided with the original application and through the sufficiency responses was extensive and new or additional deviation justification is not necessary. However, a new justification is included as requested. It is also noted that the comment suggests buildings were not originally approved for RPD Area E, but that would be incorrect. The original language of Lee County Zoning Resolution Z-94-014 clearly states (Section 10 & 11.c) that multi-family buildings are an approved use, and that maximum building height is 75 feet above minimum flood elevation (6 habitable floors). Thus, while Condition 12 and Deviation 12 were not approved specifically addressing RPD Area E, that area was nevertheless approved for residential uses with maximum heights only 20' less than that which was approved for RPD Area F. Additionally, as was previously explained, a portion of the area to be designated as Area F-1 was part of the Estero Pointe approval (Lee County Resolution Z-96-005), originally approved for a maximum height of 220'. Finally, it is noted that the Lee County Commission, not the Lee County Hearing Examiner, that are charged to provide the final interpretation of the Lee County comprehensive plan. Thus, the considerations of the Lee County Hearing Examiner offer little probative value for determining consistency with the Lee Plan in the face of multiple approvals by the County Commission.

1. Miscellaneous.

- a. *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).*
- b. Affidavit of Authorization and Disclosure of Interests. Paul Earnhardt is not listed as a registered agent or authorized persons for WCI Communities, LLC on the most recent Amended Annual Report dated 02/17/2017 whereas the applicant submitted the 4/26/16 Annual Report. The Annual Report should be amended to add Mr. Earnhardt or the forms should be signed by an individual listed on the most current report.

**RESPONSE:**

**Updated authorization and disclosure forms identifying the authorized representative of the applicant and updated annual report is provided.**

Substantive Comments. Staff is in receipt of supplemental and corrected documents in response to the City's insufficiency comments. The purpose of the comments below are to reiterate and elaborate on previous staff comments. The city and applicant are in the process of scheduling a meeting to discuss insufficiency and substantive comments. Items included under this heading will not delay the scheduling of a public hearing. These comments may be discussed at a meeting or prehearing conference to identify, discuss, and resolve various issues, and to advise the applicant of staff concerns and potential recommendations as outlined in LDC 34-375. Items in *italics* indicate that either further information may be needed to address substantive comments from the July 11, 2016, November 23, 2016, and January 10, 2017 letters or areas of disagreement between the applicant and staff.

1. Application

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

**RESPONSE:**

**The applicant looks forward to receiving any substantive comments related to the request and Florida Disaster Consultant's report in order to address any outstanding issues prior to preparation of your staff report.**

1. *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 the 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 (BoCC) did not retain that language. Instead they only allowed the deviation to apply to 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 for those areas. 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 for review under the Lee Plan and Lee County LDC pursuant to Florida Statutes §171.062 (2). 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. A legitimate argument exists that the Annexation Agreement constitutes an improper contracting away of the City's police powers, and, therefore, may be void ab initio. 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.*

*On page 6 of your letter dated November 29, 2016, you state that the "property was annexed into the City in reliance on the representations of the City Council expressed in the annexation agreements. . . ." Please identify: (a) the entity that allegedly relied upon such representations; (b) the actions and expenditures that such entity made in reliance upon such representations; and (c) whether such entity has any legal interest in the pending applications. If such entity does not have any legal interest in the pending applications, please identify all entities that have a legal interest in the pending applications.*

*Also on page 6 of your letter dated November 29, 2016, you state that the City has violated the "annexation agreements" and that "the City does not want the property owner to have a reasonable use of the land." The decision to proceed pursuant to Lee County's land use regulations was made by the applicant, not by the City Council or the City Staff. Moreover, the fact that the City Council denied a particular Future Land Use Map designation and zoning category for the subject property in February 2016 does not preclude the applicant from proposing*

*a different Future Land Use Map designation and zoning category for the subject property.*

*Staff acknowledges that the applicant and staff disagree on the application of this policy as it relates to this request. The Kersey Smoot RPD HEX report stated that the net effect of the amendment will be to shift the density and the residential uses away from Estero Bay and away from Eco-Park.*

**RESPONSE:**

The applicant has addressed consistency with Lee Plan Policy 105.1.5 in the analysis by Florida Disaster Consultants, Inc. The applicant would note that the number of units permitted within the Outlying Suburban future land use category has not been increased, even though the amount of land area has been increased. Thus the population density has been decreased as compared to the original site plan. This is important in that it demonstrates the increased open space that has been made available for the development as a result of clustering of units.

The applicant advised the staff at the meeting on March 20, 2017 that the staff reliance on the Hearing Examiner report as probative is misplaced because the report was rejected by the BOCC. The applicant advised the staff that the applicant in 1994 submitted a revised master concept plan subsequent to the issuance of the recommendation of the Hearing Examiner that was considered and adopted at the BOCC hearing. Furthermore, the staff ignores the fact that the amount of land north of Coconut Road has increased substantially since the 1994 Hearing Examiner report. Staff also ignores the decisions by the Lee County Board of Commissioners to cluster residential units in significantly taller buildings on property directly adjacent to the subject property subsequent to the referenced 1994 approval. All of these actions clearly demonstrate that building height was not deemed at any time to be incompatible or inconsistent.

The applicant has calculated the density in accordance with the County regulations. The County does not analyze net density on various parcels to ascertain consistency with the comprehensive plan. The County was urged at the original hearing examiner's hearing by some members of the public to reinterpret the regulations in this fashion. The county did not change how density is evaluated on a project basis. Any reliance on the "net" density analysis is inconsistent with the County's regulations.

The staff should not rely on the complaint that was filed by the City, seeking to void the annexation agreement. There is nothing in the Lee County Land Development Code that would suggest reliance on such material is permissible or proper. The lawsuit was dismissed with prejudice. A copy of the order is attached hereto.

The staff submits that the "applicant changed the request for review" which is inconsistent with the annexation agreement. Paragraph 1.7 of Annexation Agreement BSC-13-06-64 provides "subsequent to the annexation, but prior to obtaining the development approvals set forth in Section 4 hereof, all local government permits required for the development of the PROPERTY issued by the CITY shall conform to the requirements of the County..." Section 4.2. of said agreement indicates "pursuant to Section 171.062(2), Florida Statutes, the current Lee County Comprehensive Plan and zoning regulations shall remain in effect

until the City adopts a Comprehensive Plan Amendment to include the annexed property.”

The second annexation agreement dated March 26, 2014 provides in paragraph 3.2 that the City was to process a City initiated amendment to the City comprehensive plan. The City did not file a City initiated amendment. The City was to put the property in the “Moderate Density Mixed-Use/Planned Development” future land use category. The City was to approve the future land use category if the application was consistent with the criteria in Chapter 163, F.S. The City did not identify any criteria of Chapter 163, F.S. that were not met by the property owner’s comprehensive plan application. The City agreed pursuant to Section 3.6 that the property would retain its county land use category until such time as the property was designated “Moderate Density Mixed-use/Planned Development.

The City agreed to put the annexed property in the Moderate Density Mixed Use /Planned Development land use category, the same category as every other Planned Development approved prior to incorporation and the same category as the rest of the property in the Pelican Landing DRI located in the City of Bonita Springs. The City failed to treat the subject property the same as every other similarly situated property, and said failure is not a basis to negate the City’s commitments or obligations under the U.S. and State of Florida Constitutions, and Chapter 163, F.S..

Regardless of the details of the annexation agreement, there is nothing contained within the criteria for review and approval in the Lee County Land Development Code that would require a discussion of the annexation agreement.. The Lee County Land Development Code is quite specific regarding the basis of review and the findings to be made for approval of a request. The applicant submits that the submitted request is consistent with the LDC criteria.

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).*

*The reference to Part C, Findings and Conclusions, 2b of the December 15, 2015 Staff Report ignores the other Findings and Conclusions and analysis cited in the staff report. This policy was not analyzed nor referenced the December 15, 2015 Staff Report.*

*Staff acknowledges that the applicant and staff disagree on the application of this policy as it relates to this request.*

- 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.*

*City staff acknowledges that the county staff did not review the Kersey Smoot rezoning for consistency with this policy. Staff acknowledges that the county relied on the DRI as a basis for consistency with the future land use element of the Lee Plan.*

*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 for review under the Lee Plan and Lee County LDC pursuant to Florida Statutes §171.062 (2). 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. A legitimate argument exists that the Annexation Agreement constitutes an improper contracting away of the City's police powers, and, therefore, may be void ab initio. 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.*

*Staff acknowledges that the applicant and staff disagree on the application of this policy as it relates to this request.*

**RESPONSE:**

**The staff has not provided any documentation to explain the assertion that the amendment will expose far more residents to hurricane hazards. The applicant is not certain what "hurricane hazards" staff is concerned about and the applicant looks forward to further explanation by the staff. The proposed amendment to the DRI DO is a change pursuant to Section 380.06(19)(e)2. F.S. There are no substantial changes proposed to the DRI as agreed to by DEO and there is no increase in the number of units in the Outlying Suburban future land use category, thus the applicant is uncertain as to the basis for the staff conclusion about the increased exposure.**

The applicant would submit that it has provided information that demonstrates that the residents of buildings that meet the state building code standards and which are elevated and constructed in accordance with FEMA and SFWMD regulations will not be “endangered.” There has been no substantial, competent evidence to the contrary. If Staff believes this evidence is incomplete, please specify what elements are incomplete. If Staff believes the evidence is incorrect, that is a substantive issue and should be addressed as part of the Staffs analysis.

The staff states that the sufficiency response did not address this comment, but it doesn't say what comment. A statement is then made “Density is defined in Subdivision II-Residential Development of LDC 34.” This statement is completely unclear. Chapter 34 is the zoning section of the LDC. Density is not defined in “subdivision II-Residential Development of LDC 34.” Section 34-2 defines density. Section 34-1492 defines gross residential acres and gross residential density. The gross residential density of the project has been properly calculated. The County regulations as noted above do not analyze “net” density. The applicant cannot further respond to these statements as they are unclear, and the applicant looks forward to the staff providing clarity and consistency with the County LDC during the sufficiency review. Further, the analysis submitted by the applicant regarding this Policy is based on a professional analysis and the applicant asserts that it is irrelevant whether units are located north or south of Coconut Road with regard to meeting this FLU Policy. The Lee County LDC provides mitigation measures for dwellings located in the CHHA. The project has fully satisfied the mitigation required for all approved units within the DRI. Again, is staff believes differently, that is a substantive issue that should be addressed in their report.

The applicant is aware of the fact that the City filed a complaint in the 20<sup>th</sup> judicial circuit seeking to invalidate the annexation agreement. The applicant is also aware of the fact that the matter was dismissed with prejudice. The applicant has submitted extensive information in support of the proposed amendment to the DRI DO and the zoning. The City may only use the adopted basis of review from the appropriate Lee County Land Development Code to analyze the applicant's request. Reliance on extraordinary criteria is impermissible and improper. Further, if Staff disagrees with either data or analysis submitted by the applicant as part of the application, that is a substantive, not a sufficiency, issue and must be addressed in their report and at the required public hearings. The City has not indicated if the city is going to deny the request what the applicant must do to be approved.

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 the applicant and staff disagree on the justification as it relates to this deviation request.*

*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*

- 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 that the applicant and staff disagree on this comment.*

*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 density to an area of the MCP and DRI that is not approved for such uses nor at the requested density. Only the 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.*

**RESPONSE:**

- a. **A new and revised deviation justification has been provided in this submittal. The commitment with this deviation to place 100± acres in a conservation easement does represent an increase in common open space. The golf course was not and is not considered common open space.**
- d. **Section 34-378 describes the effect of a planned development. Section 34-378(b) addresses the "applicability of development regulations." The master concept plan is conceptual and the applicant is subject to all provisions of the LDC established to protect the public health, safety, and welfare. The applicant agrees and noted above that all provisions of the LDC including chapter 2, chapter 6 and chapter 10 which are designed to protect the public health safety and welfare apply and address several of the unfounded concerns raised by staff. The section goes on to state; "This section (section 34-378) must be interpreted and applies such that no approved use will be vested as to density or intensity unless the proposed density or intensity is specifically reviewed and approved during the planned development process." As noted above, Section 34-2 defines density and it means an existing or projected relationship between numbers of dwelling or housing units and land area. The applicant is not increasing the number of dwelling units or housing units per land area, and in fact the number of units per land area has decreased over time. Thus, this section does recognize the vested status of the units and the staff reliance on this section to state otherwise is not correct.**

*On page 11 of your letter dated November 29, 2016, you state that the “applicant annexed into the City in reliance on the City’s representations.” Please identify: (a) the entity that you allege was the “applicant” which allegedly relied upon such representations; (b) the actions and expenditures that such entity made in reliance upon such representations; and (c) whether such entity has any legal interest in the pending applications. If such entity does not have any legal interest in the pending applications, please identify all entities that have a legal interest in the pending applications.*

**RESPONSE:**

**The owner and applicant of the subject RPD/CPD amendment does have a legal interest in the proposed amendment. The annexation agreement is very clear that the terms of the agreement run with the property, and not with the entity that executed the annexation agreement. Paragraph 6.2 of the Annexation Agreement states:**

**6.2 This Agreement shall be construed and enforced in accordance with the laws of the State of Florida. This Agreement shall run with the PROPERTY and be binding upon and inure to the benefit of the parties hereto, their successors and assigns, including but not limited to future grantees of all or a portion of the PROPERTY.**

**Again, regardless of issues associated with the annexation of the subject property, the basis of review are those contained within the Lee County Land Development Code.**

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.*

*On page 12 of your letter dated November 29, 2016, you refer to the “applicant.” Please identify the entity which is the “applicant” for the pending applications.*

**RESPONSE:**

**The “applicant” is WCI Communities, LLC. The future of land in the Kersey Smoot RPD located under the jurisdiction of Lee County is not under consideration in the pending application. Considerations relating to property outside the boundaries of the requested application is improper and impermissible. If and when the Kersey Smoot RPD seeks additional approvals, density issues may be considered at that time for that request.**

**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.*

Staff has reviewed the spreadsheet supplied in the February 3, 2017 submittal against the Neighborhood Directory provided on the Pelican Landing website. Staff has the following comments:

- The spreadsheet does not list the following neighborhoods: Ascot, Bay Crest, Costa Del Dol, The Cottages, Creekside Crossing, Pinewater Place, The Pointe, The Ridge, and Messina. Please explain the discrepancy or update the spreadsheet with the appropriate neighborhood and dwelling unit count by dwelling unit type. Please provide the associated local development order case number and/or recording instrument for each neighborhood.
- Please identify the location of Parcels M and N.

**RESPONSE:**

**The spreadsheet has been updated and is included with this submittal. Please also remember that the properties located in the Spring Creek DRI portion of Pelican Landing are not part of the unit count totals for the Pelican Landing DRI.**

**BONITA SPRINGS Transportation Review**

2. The table titled "Area-Specific Developments" on page 15 of the TIS lists several developments that are assumed to be contributing to the background traffic for 2024. Please provide a map showing the location of each of these developments, the number and direction of PM peak hour trips assigned for each development to the network and the location that each development has access to the network where these trips are assigned. Include the development parameters and a summary of the PM peak hour trip generation for each development. This information will be used to verify the background traffic volumes.
3. The approved pelican Landing DRI includes a total of 3,072 PM peak hour external trips. The exhibits for Total Traffic (Current Zoning) show 344 trips at the Coconut Point Resort Drive entrance, 264 trips at The Colony entrance on Coconut Road and 337 trips on Pelican Colony Blvd. just west of North Commons Drive. Please provide a map showing the location(s) of where the remaining 2,127 trips access the external network.

*The comment has not been sufficiently addressed. The Applicant has responded that 923 PM peak hour external trips are distributed to the intersection at US41 and Pelican Colony Boulevard. However, the exhibit provided in the ZTIS shows a total of 339 trips on Pelican Colony Boulevard at the access gate (guard house) west of North Commons Drive. Please be specific on where the remaining 584 trips originate or terminate. It is not clear to the reviewer that all approved Pelican Landing DRI trips have been accounted for in the traffic study. The four main gateways on US 41 mentioned in the response include traffic from other developments. Please identify the trips*

*present at the actual access gates (where access is restricted). At locations included within the Pelican Landing DRI that are physically located outside of the access gates, please identify the number of trips originating or terminating at each driveway access point.*

**RESPONSE:**

**Please see response from David Plummer and Associates, Inc.**

5. Please confirm that the signal timing, including phase length and splits, used for the analysis of the Coconut Road/US 41 signal is consistent with the timing plan currently in operation. The Existing conditions analysis used a cycle length of 180 seconds. The Buildout conditions analysis used a cycle length of 165 seconds. Has FDOT or Lee County DOT indicated that they intend to reduce the cycle length as traffic volumes increase along US 41?

*The question asked in the comment was not specifically answered. Has FDOT or Lee County DOT indicated that they intend to reduce the cycle length as traffic volumes increase along US 41?*

**RESPONSE:**

**Please see response from David Plummer and Associates, Inc.**

7. Please provide origin and destination information for the trips that are diverted due to the proposed signal at US 41 and Pelican Colony Boulevard. The Future Total Traffic (Rezoning) exhibits indicate that 520 trips will divert from Coconut Road to Pelican Colony Boulevard. This is a substantial diversion of traffic. Almost half of this volume is diverting south to head north on US 41. The result of this diversion is that the eastbound approach of Coconut Blvd at US 41 is projected to operate at LOS E with an approach delay of 72 seconds per vehicle while the eastbound approach of Pelican Colony Blvd at US 41 is projected to operate at LOS F with an approach delay of 120 seconds per vehicle. Why would so many vehicles divert south to Pelican Colony Boulevard to travel north on US 41 when delay at the intersection is almost twice as long? This needs to be justified.

*The comment has not been sufficiently addressed. It appears to the reviewer that the diverted vehicles will experience longer delays. This is counterintuitive. Please provide a comparison of travel times using the two different routes, one for each of the two signals. The travel times should be between a variety origins and destinations as mentioned in the Applicant's response. However, make sure that the begin and end point for each origin and destination pair is the same for each route compared.*

**RESPONSE:**

**Please see response from David Plummer and Associates, Inc.**

Jacqueline Toemmes Genson, AICP

RE: Pelican Landing CPD/RPD Amendment, PD15-23946-BOS, Review #4 Response

April 21, 2017

Page 14 of 14

Please contact either Neale Montgomery at 336-6235 or me if there are any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Wayne Arnold". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

D. Wayne Arnold, AICP

Enclosures

Cc: WCI Communities LLC  
Neale Montgomery  
GradyMinor File