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MEMORANDUM

Date: October 3, 2005

To: Martina Kuche, AICP, Planner III

From: Dan DeLisi, AICP

Subject: Revisions to the Burnt Store Plan Based on the ORC Report

Per our meeting with the Department of Community Affairs on September 15, 2005, the following is a list of responses to DCA objections, with attached information of the revisions that are being made. The numbers below correspond to the numbering in the ORC Report.

1. Per our meeting with DCA on September 15th, data will need to be provided to show that any transfer of density to an area that is within the coastal high hazard will come from and are in the coastal high hazard that is more at risk than those properties within the Burnt Store Area. Carter Burgess is preparing an analysis that will provide the necessary data. This analysis will likely be completed within the next week.
2. The attached table lists the current land uses and areas, as well as the proposed land uses and areas. Per staff request, there is also a breakdown by location inside or outside of the Urban Service Area.
3. We have confirmed that there are no conflicts with state owned property and those properties that are changing land use categories.
4. For the Burnt Store Area Plan, an area wide study for listed species was conducted. This included analyzing listed species occurrences that are available from the Florida Fish and Wildlife Conservation Commission (FWCC) and local governments within and adjacent to the Plan Area. The FWCC has databases that include occurrences for listed species that occur within the Plan Area. These include databases for species such as the Florida scrub jay, red-cockaded woodpecker, bald eagle, Florida black bear, as well as wading bird rookeries. The FWCC also has a database current through 2004 for Florida panther telemetry. Charlotte County has records for Florida scrub jay habitat and occurrences. Charlotte and Lee County both have records for bald eagle nests. A review of these databases identified no occurrences for Florida black bear and Florida panther within the Plan Area. As such, movement through the Plan Area by large

mammals such as the Florida panther is not likely to occur. It should be noted that movement through the Plan Area by Florida panther is restricted by I-75 and U.S. 41 to the east of the Plan Area. Therefore, the proposed wildlife corridor is appropriately sized to accommodate the wildlife species currently inhabiting the Plan Area.

In our meeting with DCA on September 15th however, they did raise a concern about buffering the wildlife corridor to allow for protected wildlife movement. The attached memo specifies further Burnt Store Overlay policies that will add to the viability of the wildlife corridor.

5. We have added two parts to the Village Residential land use category to further guide the land use form in the area. A maximum percentage distribution was added to the allowance for Sub-Neighborhood Commercial Centers. It is anticipated that outside the Commercial Nodes, the Village Residential land use category will be almost entirely, if not entirely residential. However the intent of allowing some commercial is to provide for the opportunity for more integrated forms of development. In limiting commercial development to a maximum of 10% of the gross area, we are now clarifying the intent that any sub-neighborhood commercial development will need to be part of a larger residential neighborhood, preventing strip commercial development along the corridor and an overabundance of commercial uses.

Second, a table clarifying the amount of commercial uses at the commercial node was added. It is important to note, that there is a wide range of potential commercial uses corresponding to the wide range of potential residential uses. If the corridor builds out at 1 dwelling unit per acre, the lower end of the commercial range will likely be built. If the corridor builds out at higher densities, the higher range of the commercial potential will likely be built. In addition, the Tern Bay DRI was approved for 170,000 square feet of commercial uses. It is anticipated that with the range of potential commercial specified this corridor will have sufficient commercial area.

6. The Village Residential FLUM classification has been amended to allow for a mix of housing types and commercial uses.

7. Mining has been removed from the Village Residential land use category. However, in discussions between Charlotte County Staff and the Department of Community Affairs it has been agreed to allow mining for those properties in the Limited Development land use category that are outside of the Urban Service Area. The DCA concern was in having mining as a use in a category that will be primarily residential in nature. Allowing two incompatible uses in the same category was not acceptable for DCA. Allowing mining outside of the Urban Service Area, where residential units are permitted only at 1 dwelling unit per 10 acres addresses their concern.

8. We have amended the Overlay Policies to refer to Map 10 in the Future Land Use Map Series, which will be the Burnt Store Overlay Sketch and Description that is in the Burnt Store Area Plan.

9. DCA has confirmed that this Objection is specific to receiving additional density in the Coastal High Hazard Area. Please see the response for #1.

10. Ron Talone from David Plummer and Associates has been working with Charlotte County Public Works to revise the Capital Improvements Element to include a CIP for this area. Adopting the CIP into the Comprehensive Plan is a new requirement that was signed into law this summer. In addition, all needed improvement must be shown to be financially feasible, as

defined in Chapter 163 of the Florida Statutes, also just amended this summer. The attached financial feasibility plan complies with the statutes, and identifies the specific funding sources to be used for the road widening.

Please see the attached responses to Objection 10 prepared by David Plummer and Associates.

11. In our meeting with DCA on September 15th, they agreed that allowing for developers to do a proportionate share analysis and a developer's agreement is in the best interest of getting more money sooner. The Developers Agreement will specify a maximum number of units that a project can be vested for. Charlotte County will get that money up front (as opposed to the time of building permit for each individual unit) in a lump sum, or at the start of major phases. This will allow the county to have a committed source of funding, and the means necessary to better plan for road infrastructure.

DCA clarified their concern as being that a proportionate share payment may end up as less than the assessment of an "area-wide funding mechanism", or a revised impact fee. We have therefore added language to the policy that states that "any development opting choosing to pay through a proportionate share prior to the establishment of an area-wide funding mechanism or an update to the currently adopted impact fees, will be responsible for the difference if the proportionate share amount is less than the impact fee or other funding mechanism."

Please see the attached responses to Objection 11 prepared by David Plummer and Associates.

12. Charlotte County Utilities has applied for a modification to the plant's Water Use Permit (WUP), which expires in October, 2005. The CCU application is to expand the existing source and include the following:

- Request to re-rate the three existing wells. Currently, they are rated at approximately 700,000 GPD total (avg. day). The request is for them to be increased to approximately 1 MGD (avg. day).
- Request for two recently constructed wells to be rated at 1 MGD each (max. day).
- Proposal for two new wells, as a maximum day capacity of 1 MGD each.

Based on the proposed modifications, the capacity of the Burnt Store Plant should be approximately 3 MGD upon completion of the plant expansion sufficient for the Burnt Store Planning Area. Please see the attached letter from Carl Barraco, PE.

13. Please see the responses for numbers 10, 11 and 12.

14. Ron Talone has been working with the Public Works staff and the updated maps are attached.

15. On September 7th, representatives from the Burnt Store Improvement Initiative met with Dave Gayler, the Superintendent of Schools, to discuss the Burnt Store Area Plan. A letter from Dr. Gayler is attached.

Should you have any further questions, please feel free to contact me.

Best regards.