

CPA2008-07

LEHIGH ACRES COMMUNITY PLAN

BoCC SPONSORED

AMENDMENT

TO THE

LEE PLAN

LEE COUNTY COMPREHENSIVE PLAN

**BoCC Sponsored Application
and Staff Analysis**

**BoCC Public Hearing Document
For the
March 3, 2010 Adoption Hearing**

**Lee County Planning Division
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February 19, 2010

LEE COUNTY
 DIVISION OF PLANNING
 STAFF REPORT FOR
 COMPREHENSIVE PLAN AMENDMENT
 CPA2008-07



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: September 11, 2009

PART 1 – BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
 REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST

Amend Future Land Use Element to include Goals, Objectives, and Policies to incorporate the Lehigh Acres Planning Community into the Lee County Comprehensive Plan. Amend the Future Land Use Map series to include “Lehigh Acres Specialized Mixed-Use Nodes, Tiers and Commercial Overlay Zones.”

3. LANGUAGE TRANSMITTED BY BOARD OF COUNTY COMMISSIONERS:

The Lee County Board of County Commissioners transmitted the language as recommended by County staff and the LPA. This language is outlined in Section B(2) below.

B. FINDINGS OF FACT SUMMARY AND STAFF RECOMMENDATION

1. BASIS AND RECOMMENDED FINDINGS OF FACT

- The proposed amendments are derived from the vision of Lehigh Acres expressed by interested citizens during the completion of Lehigh Acres Comprehensive Plan, suggested amendments to the Lee Plan made by WRT, and analysis of the completed Lehigh Acres Comprehensive Plan and current conditions made by Lee County Planning Staff.
- The Lehigh Acres planning effort is a grass-roots effort by citizens who took an active interest in the County's current policies regulating land use within Lehigh Acres.
- The Board of County Commissioners has provided financial and political support to community planning efforts in Lee County.
- The Community recognized the need for a more planned approach to growth within Lehigh Acres and formed the Lehigh Acres Planning Panel.
- The Lehigh Acres Commercial Land Use Study was commissioned in 1995 to analyze the imbalance of commercial land and recommend community-wide solutions. Its final report was issued in May 1996 and included a broad series of recommendations to retrofit Lehigh Acres with an appropriate balance of land for retail and service uses.
- The Lee Plan amendments proposed in PAM/T 96-19 were adopted in 1998 to incorporate elements of the Lehigh Acres Commercial Land Use Study into the Lee Plan.
- In 2000 the Lehigh Acres Implementation Report was completed as a follow-up to the Lehigh Acres Commercial Land Use Study.
- During the middle part of this decade large portions of the area that had been identified as preferred commercial areas in the Lehigh Acres Commercial Land Use Study were developed as residential.
- The Lehigh Acres Planning Panel requested assistance from the Lee County Board of County Commissioners to develop a comprehensive plan for Lehigh Acres.
- In August of 2006 the Lee County Board of County Commissioners awarded the firm Wallace Roberts & Todd, LLC (WRT) with a professional service agreement for \$550,000 to develop a comprehensive plan for the Lehigh Acres Planning Community to guide future development of all kinds within the Lehigh Acres Planning Community.
- Broad concerns expressed by these citizens include lack of commercial areas, civic uses, and employment opportunities within the Lehigh Acres Planning Community.
- On March 24, 2009 the Lee County Board of County Commissioners endorsed the Lehigh Acres Comprehensive Planning Study completed by WRT.

2. STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners transmit the proposed amendment as part of the 2008/2009 Regular Amendment Cycle. The recommended changes include the text additions below, and the following four changes to the Future Land Use Map:

Staff recommends four amendments to the Future Land Use Map, Map 1. The first recommendation is to change the area proposed for the Downtown Mixed Use Overlay from Central Urban to Intensive Development.

The second recommendation is to expand the Industrial Development Future Land Use designation of the existing industrial area in western Lehigh Acres. The recommended expansion includes two undeveloped properties immediately south of the existing designation and east of Leonard Boulevard.

The third change includes a strip of lots immediately north of the existing designated Industrial park. These lots have already been developed with light industrial uses.

The fourth recommended Future Land Use Map change involves property south of SR 82 and southeast of Blackstone Drive.

Staff recommends additions to Map 1 for the Specialized Mixed Use Nodes Map at page 7, the addition of the Lehigh Acres Tier Map at page 8, and the addition of the Lehigh Acres Planning Community to Map 1, Page 2 of 6.

Staff also recommends changes to Map 16 to modify the boundaries between the Buckingham and Lehigh Acres Planning Communities; and Table 1(b) to provide an allocation to the Intensive Development Future Land Use Category that is proposed for Downtown Mixed Use Overlay. Staff's recommendation includes decreasing the Urban Community allocation from 13,269 acres to 12,797 acres; and increasing the newly added Intensive Development from 0 acres to 42 acres. Table 1(b) as proposed is provided in full as an attachment to this staff report.

RECOMMENDED TEXT AMENDMENTS TO THE LEE PLAN

Staff recommends that the Board of County Commissioners transmit the following text amendment.

PROPOSED NEW VISION STATEMENT

~~**Lehigh Acres** - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow at a rate faster than the county average growth rate. This community, however,~~

~~will not be close to build out by 2030. Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)~~

A “sustainable community of choice” is comprised of a collection of unique and inviting neighborhoods with involved citizens, a healthy environment, housing and employment opportunities, a full range of public services, and an efficient multi-modal transportation network connecting adjacent uses and neighboring communities. Residents will be encouraged to live a healthy and active lifestyle and will be provided opportunities to connect to the natural environment and their neighbors. This is the community vision of Lehigh Acres. Achieving the vision in the Lehigh Acres Planning Community will require improving the pattern of development to reduce dependence on neighboring communities for employment, recreation, and public services. Accomplishing this vision will reduce transportation impacts in neighboring communities and provide benefits to all of Lee County.

MODIFICATIONS TO CURRENT LEE PLAN FUTURE LAND USE ELEMENT

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Goal 32 Policies 1.8.1 through 1.8.3.

1. through 8, no changes.

9. The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Goal 32 Policies 1.8.1 through 1.8.3, or within the Captiva community in the areas identified by Policy 13.2.1.

10. through 13, no changes.

ADDITIONS TO THE FUTURE LAND USE ELEMENT

GOAL 32: LEHIGH ACRES. To ensure that continued development and redevelopment within the Lehigh Acres Planning Community converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed-use activity centers and neighborhood nodes; with adequate green space and recreational opportunities. This Goal and subsequent Objectives and Policies apply to The Lehigh Acres Planning Community, as depicted on Map 1.

OBJECTIVE 32.1: ESTABLISH A SUSTAINABLE COMMUNITY OF CHOICE.

To ensure that development and redevelopment within the Lehigh Acres Planning Community evolves into a sustainable community containing a broad mix of residential types and non-residential uses served by efficient infrastructure.

POLICY 32.1.1: The County will incentivize the development of specialized mixed use nodes within the Lehigh Acres Planning Community in a sustainable pattern that will provide opportunities for employment, housing, recreation, goods, and services. Incentives may include but not be limited to transfer of development rights, expedited reviews, special land development regulations within the Lehigh Acres Planning Community, and public private partnerships to utilize alternative funding methods including Municipal Service Taxing Units (MSTU) and Municipal Service Benefit Units (MSBU).

POLICY 32.1.2: Establish a series of specialized mixed use nodes throughout the Lehigh Acres Community to provide opportunities to diversify employment, vary housing types, reduce the need for future roadway expansions, and reduce the need for commuting.

POLICY 32.1.3: The Lee County Board of Commissioners acknowledges that there is an over abundance of single-family homesites available to construct detached single-family homes.

POLICY 32.1.4: Encourage a wide range of housing options within the Lehigh Acres Planning Community by supporting the development of a variety of housing types.

POLICY 32.1.5: Identify, preserve, protect, and, where possible, restore the remaining natural resources of the community.

POLICY 32.1.6: Encourage pedestrian friendly development with an emphasis on human scale design.

POLICY 32.1.7: Encourage connectivity between all land uses through an efficient multi-modal transportation network.

POLICY 32.1.8: Lee County will work with Lee Tran to improve the mass transit system within the Lehigh Acres Planning Community.

POLICY 32.1.9: Developers are encouraged to utilize Sustainable Development Design, as outlined in Goal 4.

POLICY 32.1.10: The Lehigh Acres Tier Map, Future Land Use Map 1, Page 8 of 8, subdivides the Lehigh Acres Community into 3 Tiers:

- a. Tier 1 consists of the older urbanized core of Lehigh Acres that is largely served by an existing array of public services and facilities, including a well-developed road network, water and sewer facilities, schools, and the bulk of Lehigh Acres' commercial development.
- b. Tier 2 consists of those areas immediately adjacent to Tier 1 where public facilities such as water and sewer are not fully available today, but where the provision of these public

facilities should be prioritized in the second decade of the planning horizon, 10 to 20 years from adoption of the plan.

- c. Tier 3 consists of the extreme northern and eastern fringe of Lehigh Acres. This area is the least developed and is the lowest in zoned density due to the preponderance of one acre and half acre lots. This area has virtually no public services and facilities, little commercial uses and many roads that are in poor or very poor condition.

For the purpose of Capital Improvement Programming Tier 1 and 2 are the priority areas to receive capital improvements.

POLICY 32.1.11: By the end of 2011, Lee County will amend the Land Development Code to incorporate

- a. Land development and urban design standards for each of the specialized mixed use node sub-categories.
- b. Land development and urban design standards for Lee Boulevard and SR 82.
- c. Design and development standards for duplex and two-family attached structures within Lee County.

OBJECTIVE 32.2: SPECIALIZED MIXED USE NODES: Are areas that will help to contribute the uses needed to support the Lehigh Acres Planning Community in an integrated and sustainable approach.

POLICY 32.2.1: Specialized mixed use nodes will be classified in three sub-categories. These sub-categories are identified on Map 1 of the Lee Plan as Downtown Lehigh Acres, Community Mixed-Use Activity Centers, and Neighborhood Mixed-Use Activity Centers.

POLICY 32.2.2: All rezoning in these areas must be reviewed as a Planned Development. The proposed development must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public, as well as integrating the surrounding neighborhoods. Standalone residential planned developments are prohibited, residential uses may only be permitted in conjunction with a mixed use planned development.

POLICY 32.2.3: In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density.

POLICY 32.2.4: The site location standards described in Policy 6.1.2 do not apply within areas designated as specialized mixed use nodes.

POLICY 32.2.5: Within the boundaries of the Specialized Mixed-Use Nodes on-street parking, as provided for in Section 4 of Lee County Ordinance No. 91-29 and meeting the dimensional requirements of Section 34-2016(1) of the Land Development Code, may be provided as a one-to-one substitute for required on-site parking.

POLICY 32.2.6: Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas.

POLICY 32.2.7: Within these nodes, promote the establishment of pedestrian friendly mixed use development:

- a. Buffer walls between commercial and residential uses are not required.
- b. Bicycle and pedestrian facilities will be provided throughout these developments.
- c. Connections between all uses are required to facilitate alternative modes of transportation.
- d. Connections to adjacent developments will be provided.
- e. Vehicular connections between different uses will be provided to facilitate the internal capture of trips.

POLICY 32.2.8: Existing or future regulations that inhibit the development of these mixed-use projects will be given strong consideration for deviations.

POLICY 32.2.9: Additional Specialized Mixed Use Nodes may be appropriate at the following intersections following the construction of the Lockett Road Extension:

- a. W 12th Street and Sunshine Boulevard
- b. W 12th Street and Williams Avenue
- c. W 12th Street and Richmond Avenue
- d. W 12th Street and Joel Boulevard

OBJECTIVE 32.3: DOWNTOWN LEHIGH ACRES: Is an area expected to redevelop as a vibrant, intensely developed mixed-use gathering place to serve area residents. It will provide opportunities for multi-family residential, public and private education, live-work, retail, office, medical, entertainment, arts, commercial/public parking, parks, other civic uses, and public amenities. The potential mixture of jobs, living, cultural and recreation opportunities allows the greatest efficiency in the use of infrastructure and other public expenditures of any development style envisioned by this Plan. Downtown Lehigh Acres is an appropriate receiving area for transferred development rights.

POLICY 32.3.1: The Downtown Lehigh Acres area offers a mix of opportunities to live and work in a vibrant, well designed urban environment. Land use is focused on providing residential or office uses on upper floors, with retail uses at the street level to energize the urban experience. Parking should be in structures, not in surface lots. Street trees, well designed public gathering areas, and lighting should be employed to create a safe, inviting experience at the street level both day and night.

POLICY 32.3.2: The downtown provides a living environment to a growing segment of society that no longer desires the suburban lifestyle. It provides housing for a wide variety of income levels, in an environment that allows less reliance on the automobile.

POLICY 32.3.3: Create and revitalize the downtown as the premier urban center of Lehigh Acres, providing jobs, residential opportunities, and cultural and economic activities. Residents should find not only access to employment, transportation, and basic amenities, but a concentration of restaurants, galleries, and unique shopping experiences.

POLICY 32.3.4: Downtown Lehigh Acres will be viewed as a receiving area for any transfer of development rights program that is established in Lee County.

POLICY 32.3.5: Bonus density greater than 15 units per acre in the Intensive Development Future Land Use Category must be achieved through the transfer of development rights program.

OBJECTIVE 32.4.: COMMUNITY MIXED-USE ACTIVITY CENTERS: Are areas of sufficient size and location that will help to contribute the uses needed to support all of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

POLICY 32.4.1: Identify those areas within Lehigh Acres that have sufficient vacant or undeveloped land to accommodate the community-scale development that will balance the land uses and provide opportunities to diversify the economic base of the community.

POLICY 32.4.2: These areas provide the best opportunity for resolving many of the problems inherent in a single use platted community that lacks a diversity of uses.

POLICY 32.4.3: The emphasis of the future development of these areas is to provide employment opportunities mixed with facilities offering goods and services that support the wider community.

OBJECTIVE 32.5.: NEIGHBORHOOD MIXED-USE ACTIVITY CENTER: Are areas of sufficient size and location that will help to contribute the uses needed to support large portions of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

POLICY 32.5.1: The emphasis of the future development of these areas is to provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types.

POLICY 32.5.2: In addition to adhering to the policies under Objective 32.2, Specialized Mixed Use Nodes, these areas are intended to provide a strong link to the existing single family areas. Interconnections utilizing all modes of transportation are strongly encouraged.

POLICY 32.5.3: In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged.

OBJECTIVE 32.6.: LOCAL MIXED-USE ACTIVITY CENTERS: Are areas located within existing and emerging residential neighborhoods that are intended to support the local daily commercial needs of the neighborhood. Local Activity Centers are envisioned as floating designations that may be applied for as part of a rezoning.

POLICY 32.6.1: To assure neighborhoods have local access to commercial services that support the daily needs of the neighborhood, Local Mixed-Use Activity Centers will not be assumed to be an encroachment into the neighborhood.

POLICY 32.6.2: These areas are intended to provide a strong link to the existing single family neighborhood. Interconnections utilizing all modes of transportation are highly encouraged.

POLICY 32.6.3: Buffer walls between commercial and residential uses are not required.

POLICY 32.6.4: Local Mixed-Use Activity Centers may be located on property as small as one lot, but are limited to a maximum of one platted block.

POLICY 32.6.5: Connections between the commercial use and the immediate neighborhood are required. These connections should include pedestrian and bicycle facilities.

POLICY 32.6.6: Within the boundaries of Local Mixed-Use Activity Centers on-street parking, as provided for in Section 24 of the Lee County Code of Laws and Ordinances, may be provided as a one-to-one substitute for required on-site parking.

POLICY 32.6.7: To receive the Local Mixed-Use Activity Center designation, the center should be located approximately ½ mile or more from the edge of any area identified in Objective 32.2, Specialized Mixed Use Nodes, and must meet the following locational and access criteria

- a. Must initially have frontage on two publicly maintained streets.
- b. Local Mixed-Use Activity Center will be designated through the zoning process.
- c. May be expanded to an area that is adjacent to a previously designated Local Mixed-Use Activity Center.

NOTE: The following Objective and subsequent policies are a renumbering of existing Objective 1.8 with modifications shown in strikethrough/underline format.

OBJECTIVE ~~1.8~~ 32.7: LEHIGH ACRES COMMERCIAL USES OVERLAY ZONES: Designate additional overlay zones on the Future Land Use Map to ~~designate~~ establish potential commercial land uses in Lehigh Acres. The Commercial Overlay Zones are identified on Map 1, page 7 of 8 of the Lee Plan. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres.

POLICY ~~1.8.1~~ 32.7.1: Commercial uses are permitted on lands in the Lehigh Commercial overlay once commercial zoning has been approved in accordance with this plan. Land in the Lehigh Commercial overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and, residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset

the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor-area ratio of 1.0 (the ratio of interior floor space to total lot area).

~~The prohibition on single family development does not apply in the following portions of the Lehigh Commercial overlay: (1) that portion of Section 6, Township 45S, Range 27E lying south of 23rd Street Southwest and its easterly extension beyond Beth Stacey Boulevard, containing about 92 acres; and (2) those portions of Section 5, Township 45S, Range 27E described as follows: (a) that part of the southwest quarter of the northeast quarter lying southwest of Homestead Road, containing 22.12 acres, and (b) the west 364 feet of the north half of the southeast quarter, containing 11.00 acres, and (c) the southwest quarter of the southeast quarter less the south 175 feet of the east 125 feet, containing 39.50 acres. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

~~**POLICY 1.8.2:** Commercial uses are permitted on all lots in the **Reclaimed Strip** overlay facing S.R. 82. Access management for property abutting S.R. 82 is governed by the Corridor Access Management Plan (CAMP) adopted by FDOT in July 2007. All lots will have access to S.R. 82 via Meadow Road, which will serve as a reverse frontage street as described in Resolution 08-06-28 adopted by the Board of County Commissioners on June 17, 2008. All lots will be required to access S.R. 82 consistent with the access points reflected in the CAMP and the requirements set forth in Resolution 08-06-28. Commercial uses are also permitted on all **Reclaimed Strip** lots facing Gunnery Road. Access management for property abutting Gunnery Road is governed by the access management plan described in Bluesheet No. 20011253 adopted by the Board of County Commissioners on November 20, 2001. All lots will have access to Gunnery Road via Gretchen Avenue, which will serve as a reverse frontage street. All lots will be required to access Gunnery Road consistent with the access points reflected in Bluesheet No. 20011253. (Added by Ordinance No. 98-09, Amended by Ordinance No. 09-06)~~

~~**POLICY 1.8.3 32.7.2:** Because of the shortage of suitable undivided tracts in the Lehigh Acres Planning Community (whose boundaries for the purposes of this plan are shown on Map 16), commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.~~

- ~~1. Many such lands are designated with as part of the Lot Assembly overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, the assemblies of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.~~
- ~~2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the normal planned development zoning processes or by requesting a new the CN-3 conventional commercial zoning district that may be was created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:~~

- a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or
- b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Land-owners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

~~Decisions on the suitability of any proposal will be made by Lee County on a case-by-case basis in order to implement the intent of these regulations.~~

- ~~3. Commercially zoned land not placed within one of these overlays can be developed in accordance with previous regulations, but may be subject to county initiated rezonings to restrict or eliminate future commercial uses there. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

OBJECTIVE 32.8.: PARKS, RECREATION, OPEN SPACE AND PUBLIC FACILITIES. Lee County will explore opportunities to create a coherent network of parks, greenways, water amenities, open space, and other public facilities.

POLICY 32.8.1: Lee County Parks and Recreation will work with the East County Water Control District to identify rights-of-way or easements that can be incorporated into the County's greenway plan.

POLICY 32.8.2: Lee County, the East Lee County Water Control District, the Lee County School District, and other agencies will work together to identify areas that can be acquired for possible co-location of parks, water retention and other water amenities, school sites, and other public facilities.

POLICY 32.8.3: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Greenways Master Trail Plan, must incorporate the greenway trail into their development design, as required by Policy 77.3.7 of the Lee Plan.

POLICY 32.8.4: Lee County will work with the Lee County School District and other agencies that operate within the Lehigh Acres Planning Community to identify adequate land to develop additional public facilities needed to accommodate the expected growth of Lehigh Acres.

OBJECTIVE 32.9: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. Lee County will work to improve transportation parking and circulation within the Lehigh Acres Planning Community.

POLICY 32.9.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged.

POLICY 32.9.2: All connections to SR 82 must be consistent with the Florida Department of Transportation Corridor Access Management Plan for SR 82.

POLICY 32.9.3: All connections to Gunnery Road must be consistent with the Gunnery Road Access Management Plan.

POLICY 32.9.4: All new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas.

POLICY 32.9.5: Lee County will identify possible locations of new bridges to improve the continuity of the street network and connect neighborhoods.

POLICY 32.9.6: Lee Tran will continue to identify opportunities to improve service, frequency, routes, and bus stop amenities in the Lehigh Acres Community.

POLICY 32.9.7: New Single-Family Model Homes are prohibited within 300 feet of Arterial and Collector Roads.

OBJECTIVE 32.10: SEWER AND WATER. Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems.

POLICY 32.10.1: The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 11.1 and 11.2 of this Plan before a development order will be issued.

POLICY 32.10.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive urban services and infrastructure during the planning horizon of the Lee Plan.

POLICY 32.10.3: Lee County will work with Florida Governmental Utilities Authority (FGUA) to prioritize areas for expansion of utilities.

OBJECTIVE 32.11: NATURAL RESOURCES. Lee County will preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres, by maintaining the diverse and healthy native vegetation, and wildlife resources.

POLICY 32.11.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided whenever possible, within one mile of the Lehigh Acres Planning Community boundary.

POLICY 32.11.2: Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Planning Community.

POLICY 32.11.3: Lee County will provide incentives (for example increased density, Transfer of Development Rights, etc.) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Lehigh Acres Planning Community.

POLICY 32.11.4: Where not inconsistent with the South Florida Water Management District design criteria, natural habitat restoration is preferred to open water systems for treating stormwater.

OBJECTIVE 32.12: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 32.12.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Lehigh Acres Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 32.12.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Lehigh Acres Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

OBJECTIVE 32.13: INTERGOVERNMENTAL COORDINATION. The Lehigh Acres Planning Community depends on agencies that are external to Lee County for certain services, such as the East County Water Control District, Lee County Health Department, Florida Governmental Utilities Authority; and Hendry County. Lee County will work with these organizations on matters under their jurisdiction.

POLICY 32.13.1: Explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. Coordinate “tax

forgiveness” efforts with the School Board, Fire District, South Florida Water Management District and East County Water Control District.

POLICY 32.13.2: Lee County will work with Hendry County to coordinate trail connections at the counties’ boundaries in order to promote a regional trail system.

POLICY 32.13.3: Lee County will work with the Lehigh Acres Fire District to identify locations for new facilities that will assure adequate and uniform fire protection throughout the Lehigh Acres Planning Community.

POLICY 32.13.4: Lee County will work with the East County Water Control District to identify existing wetlands and opportunities for stormwater detention areas.

POLICY 32.13.5: Lee County will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities.

POLICY 32.13.6: Lee County will work with the Lee County Health Department to discourage the approval of septic tank variances and to address regulations that allow two septic systems on one small lot.

OBJECTIVE 32.14: OVERSIGHT AND COORDINATION BY LEE COUNTY. The Lehigh Acres Planning Community is entirely within unincorporated Lee County, as such Lee County can perform activities that will help guide and accommodate attractive development; plan for and construct capital improvements; and establish policies to concentrate development within appropriate areas and provide protection of natural features. These activities will help to assure that the Lehigh Acres Planning Community develops in a way that is consistent with its vision.

POLICY 32.14.1: Lee County will assist in establishing comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property for stormwater management purposes.

POLICY 32.14.2: Lee County will explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses.

POLICY 32.14.3: Lee County will use Tier 1 and Tier 2 as capital improvement priority areas for public facilities and services which are under the control of Lee County, and will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities.

POLICY 32.14.4: Lee County will not permit mine traffic from mines established in Hendry County to utilize Lee County maintained roads within the Lehigh Acres Planning Community as a primary access. Mines within Hendry County may establish secondary access points to Lee County maintained roads for emergency access purposes only.

POLICY 32.14.5: By the end of 2011, Lee County will complete the following activities:

- a. Amend the Land Development Code to incorporate land development and urban design standards for each of the specialized mixed use node sub-categories.
- b. Amend the Land Development Code to incorporate land development and urban design standards for Lee Boulevard and SR 82.
- c. Amend the Land Development Code to incorporate design and development standards for duplex and two-family attached structures within Lee County.
- d. Explore the establishment of a Land Swap Program, where parcels gained through the escheatment process in Tier 1 or Tier 2 could be swapped for undeveloped parcels in Tier 3.
- e. Define appropriate sending and receiving areas for a Transfer of Development Rights program.

AMENDMENTS TO OTHER ELEMENTS OF THE LEE PLAN

PARKS, RECREATION AND OPEN SPACE ELEMENT:

POLICY 84.1.2: Lee County will work with the East County Water Control District to establish a regional park at Harns Marsh.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on March 24, 2009 by resolution directing staff to “cooperate with the Lehigh Acres community to pursue Lee County Comprehensive Plan and Land Development Code amendments reflecting the recommendations set forth in the Lehigh Acres Comprehensive Study.” The Vision for Lehigh Acres as expressed by interested citizens of Lee County has guided the proposed Comprehensive Plan amendments.

THE LEHIGH ACRES VISION FROM THE LEHIGH ACRES COMPREHENSIVE PLANNING STUDY

Based on the aspirations and concerns publicly expressed by residents, the long term vision for Lehigh Acres is

“...to become a sustainable community of choice, a community that is safe, affordable, connected, well served, livable, attractive, and populated by a diverse and engaged citizenry.”

Achieving the vision will require overcoming difficult challenges as a result of the platted nature of the community, the lack of necessary services and infrastructure, and the scattered residential development pattern that exists. Attention to several facets of the community will be required to achieve the vision, including:

Managed / Balanced Growth: Growth is encouraged in areas where a full range of public services is in place or planned, and discouraged in outlying areas lacking in water, sewer, and other basic infrastructure.

Community Character: Enhance community identity and pride by improving development quality, architectural character and quantity and quality of landscape materials. Integrate parks, open space, and greenways, and amenities to enhance quality of life.

Natural Resource Protection / Restoration: Reduce the possible impact of septic systems and provide for adequate groundwater and aquifer recharge. Promote the “greening” of Lehigh Acres, emphasizing the use of native landscape species.

Efficient Transportation: Upgrade the condition and capacity of the local road system, improve connectivity and apply principles of access management along major roadway corridors. Promote alternatives to auto reliance through transit and improved networks of sidewalks and pedestrian and bicycle trails as part of community greenways.

Full Array of Public Services and Facilities: Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development reliant on on-site well and septic systems. Reserve land and promote intergovernmental coordination for the development of local schools, libraries, recreation centers and other facilities and services necessary for a sustainable community of choice.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

In August of 2006 Lee County contracted with the firm Wallace Roberts & Todd, LLC (WRT) to develop a comprehensive plan for the Lehigh Acres Planning Community to guide future development of all kinds within the Lehigh Acres Planning Community.

The comprehensive evaluation of Lehigh Acres took over two and a half years to complete. The result was a planning document by WRT entitled "*Lehigh Acres Comprehensive Planning Study*," dated March 2009. This document was developed in 5 Phases: Framework for Plan Development; Existing Conditions & Trends; Vision for the Future; Alternative Concepts and Scenarios; and, Plan Document. Considerable effort went into each phase and several of the phases culminated with a deliverable document.

The plan itself consists of several sections: Plan Framework; Background; Community Assessment; The Vision; Concept Plan; and, Implementation Framework. The Implementation Framework Section contains short term actions as well as medium and long term actions. These proposed amendments are the Lee County Division of Planning's best attempt to implement the recommendations of the planning effort. The establishment of the Specialized Mixed Use Nodes, the Downtown, Community, and Neighborhood Mixed Use Centers implements the main theme of the study's recommendations.

IMPLEMENTATION FRAMEWORK SECTION

The recommended actions in the Implementation Framework Section are reproduced below followed by a staff discussion or response.

SHORT TERM ACTIONS

- Explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. Coordinate "tax forgiveness" efforts with the School Board, Fire District, SFWMD and ECWCD.

This action calls for using the escheatment process to capture land for various community needs. Staff is recommending new Policy 32.13.1 to address this recommendation.

- Proceed with the plan's recommended Future Land Use Map and Comprehensive Plan Amendments (described in detail in the next section of this document).

The bulk of the plan amendment recommendations contained in this report address the actions called for by this recommendation. The Tier System is included in proposed Policy 32.1.10.

- Begin to incorporate and establish elements of the proposed community structure (e.g., mixed use centers) into the zoning and land development regulations; subdivision regulations; and other regulatory and planning mechanisms.

These actions will follow the incorporation of the recommended Specialized Mixed Use Nodes into the Lee Plan.

- Incorporate consideration of the location of capital improvements relative to the tier system as one of the factors that determine project funding priorities.

Staff is recommending incorporation of the tier map, to be used as a capital improvements timing tool.

- Proceed with zoning amendments that incorporate design/site development standards for new duplex and commercial development (described in detail in the next section of this document).

This task can be accomplished without changes to the Lee plan.

- Identify and adopt appropriate incentives (these may range from relatively simple things such as fast-track permitting or reduced permitting fees; impact fee reductions; to more costly and complex options such as support/assistance with land assembly (see previous page) or spearheading infrastructure improvements) for infill development in Tier 1, especially the area identified as “downtown Lehigh Acres” in the community structure.

The Specialized Mixed Use Nodes do incorporate incentives to promote infill and redevelopment.

- Work with Health Department to discourage/halt approval of septic tank variances, and to close regulatory loopholes that allow the construction of two septic tanks on a single 1/4-acre or 1/3-acre lot (e.g., advocate review of current definitions).

This requires coordination with the Health Department and ultimately affects their rules governing permitting. Staff is recommending a policy promoting coordination with the Health Department in the Intergovernmental Coordination section of this amendment, see proposed Policy 32.13.6.

- Amend zoning / land development and urban design standards for Lee Blvd. and SR 82:
 - discourage model home development by making its approval subject to the special exception use process,
 - require greater site depths (back to back lots) for commercial development to achieve better development configurations
 - establish site circulation standards to meet access management requirements (including shared drives, connected parking lots, etc.)
 - revisit the land use mix/list of permitted uses on some corridor segments to promote/incentivize townhome-style development, and
 - immediately rezone land in the “nodes” to commercial with a “mixed-use” overlay.
- For commercial development along these two corridors and elsewhere, additionally amend zoning/land development and urban design standards to address:
 - improved landscape and parking standards,
 - shared access and connectivity,
 - pedestrian amenities,
 - building siting/orientation, and
 - building design.
- Amend zoning / land development and urban design standards to regulate new duplex development:
 - more stringent landscape, on-site parking, and building design standards
 - require the creation of mid-block alleys and rear-facing garages in new development.

- regulate the design treatment of septic drain fields (establishing grading requirements or maximum slopes to avoid the unattractive “mounded look” prevalent in some sectors of Lehigh Acres).
 - require varied building types/mix (e.g., townhomes) and articulation of the facade of duplex structures to resemble a single-family structure.
 - require the incorporation of Crime Prevention Through Environmental Design techniques.
 - prohibit additional duplex zoning
- Consider expanding existing nonconforming structure provisions of the Land Development Code to existing duplex structures that do not comply with the amended duplex development standards once those standards become effective. One option is to allow the property to remain in its nonconforming status until the owner applies for a building permit (e.g., for activities defined as “development” versus “maintenance”). At that time, the use would have to be brought into compliance (a ceiling of cost may be adopted; for instance, up to a certain percentage of the assessed value of the property). Another option is to establish an amortization schedule for owners to bring the use or the structure into compliance. Amortization is a mechanism allowing for the removal of a nonconformity after the value of the non-conforming use or structure has been recovered—or amortized—over a period of time (e.g., three years). Since the value of the use or structure has been amortized, no compensation is payable after the expiration of the period. The defensibility of this application, as well as the appropriate amortization period, should be determined by Lee County attorneys. There are two principal methods for determining the amortization period: (1) the fixed period approach and (2) case-by-case methods, the most common of which is called the “recoupment of investment” method. The fixed period approach has been applied to signs and modest structures in which there is minimal investment. The recoupment of investment approach has been used successfully to remove nonconformities with more substantial value.

Staff concurs and recommends the inclusion of Policy 32.1.5 to address the Lee Boulevard and SR 82 areas as well as duplex development. The location of model homes are also being addressed by proposed Policy 32.9.7. Staff is hesitant to eliminate the ability to obtain additional duplex zoning. If the regulations adequately address the issues, more duplex zoning could be appropriate.

- Coordinate with the DR/GR efforts to reconnect the Estero, Imperial and Six Mile Cypress headwaters, if feasible, with their south and westerly predevelopment flow.

Dealing with these water issues is an ongoing effort by the county in general, lead by the Division of Natural Resources. Coordination has been ongoing between the two planning efforts. Staff does not believe a policy is necessary to continue these efforts.

- Define the alignment of the Lockett Road extension and begin to notify affected property owners. To the extent allowed by law, discourage new construction on the affected parcels, and explore the possibility of land swaps for lots that may be recovered elsewhere through the escheatment process.

The process for developing the alignment for the Lockett Road Extension has been completed and the alignment has been determined.

MEDIUM TERM ACTIONS

- Initiate studies for the creation of voluntary municipal special taxing or benefit units (MSTU or MSBU) to fund capital improvements in Tiers 1 and 2. Sec. 27-61 authorizes the creation of municipal service taxing or benefit units in specific areas of unincorporated Lee County for the purposes of providing municipal services. Lehigh Acres already has in place one such district to provide street lighting; new districts could be created to fund the construction of sidewalks and similar improvements.

This option for financing is one option for funding this type of service. Planning staff sees no reason to include such a policy, as it may have the affect of limiting options down the road.

- Initiate dialogue with ECWCD, FGUA, Health Department, School District to coordinate actions geared toward joint land acquisition efforts, infrastructure extensions etc.
- Explore establishing a “Septic Tank Maintenance District” in Tier 3, following the criteria.

The proposed Intergovernmental Coordination Objective and its subsequent policies cover this recommendation.

- Determine the feasibility of establishing a transfer of development rights program from sending zones in Tier 3 or, potentially, DR/GR, to identified receiving zones in Tiers 1 and 2 or areas outside of Lehigh Acres that are suitable to accommodate, or are experiencing pressure for, higher densities.

Staff questions the viability of Tier 3 as a TDR sending zone. The vested rights associated with the platted lots are a disincentive for such a program. It should be noted that the Southeast Lee County Study (the DR/GR study) is evaluating certain areas within this area as receiving zones for TDR’s.

- Develop integrated “green infrastructure” open space system – including linear canals parks and linkages. Consider preparing a detailed Lehigh Acres Green Infrastructure or Parks and Open Space Master Plan in coordination with the ECWCD to ensure that canal re-design projects incorporate recreational amenity features.

The County has incorporated Green Infrastructure requirement in the Lee Plan and the Land Development Code. The County has also adopted the Lee County Greenways Master Plan, which includes Lehigh Acres. The best way for this area to be represented in these ongoing efforts is for the community to participate in the refinement of these programs.

Staff has also recommended several policies that address this issue, such as Policy 32.8.1, Policy 32.8.2, Policy 32.8.3, and Policy 84.1.4.

- Consider preparing a Lehigh Acres “Complete Streets” or Bicycle and Pedestrian Facilities Master Plan to identify and prioritize project needs and funding.

These programs are currently being addressed on a county wide basis. Again, the best way for this area to be represented in these ongoing efforts is for the community to participate in the refinement of these programs.

- Coordinate with Lee Tran to secure the launching of the Lehigh Circulator within the next 5 years, per the Transit Plan. Continue to monitor the population needs as the community grows.

Staff has proposed a new Policy 32.9.6, which calls for Lee Tran to identify opportunities to improve service.

- Modify zoning / land development and urban design standards for “Downtown” Lehigh Acres:
 - Identify regulatory and other types of mechanisms, programs, and incentives to encourage the development of mixed-use development on obsolete uses in “downtown”

- Lehigh Acres: adopt a “mixed-use overlay;” remove existing regulatory hurdles; consider approval of certain projects (e.g., of a limited scale, vertical configuration, etc.) as of right or with the lower threshold of review.
- Consider creating an urban design plan, with consistent standards for the public realm – e.g., unified streetscape themes – signage, etc.).

Staff’s proposal for the inclusion of the Specialized Mixed Use Nodes specifically includes a node for Downtown Lehigh Acres. Between the Specialized Mixed Use Nodes requirements and the Downtown Lehigh Acres policies this recommended action is addressed.

Longer - Term Actions

- Coordinate with FGUA regarding phasing, costs to extend central potable water and sanitary sewer systems in Tiers 1 and 2.
- Continue open dialogue with ECWCD, FGUA, Health Department, School District to coordinate actions geared toward joint land acquisition efforts, infrastructure extensions etc.
- Develop on-going / long term process for land acquisition in Tier 3 for stormwater management, conservation etc. A tool that the County should begin exploring sooner, under the current real estate market conditions, is acquisition of property through tax deed sales. The county is not required to use the public tax deed sale process for parcels valued at less than \$5,000—if no one bids on a parcel, the ownership reverts to the county by default, or escheats.

Staff’s proposed Intergovernmental Coordination Objective and its subsequent policies address these issues.

MAP AND TABLE CHANGES

As a result of the policy changes above, mapping of the Specialized Mixed Use Nodes and Commercial Overlay Zones, and an amendment to Map1, page 2 of 6 for the inclusion of the Lehigh Acres Planning Community as a Special Treatment Area has already been recommended. Staff has also recommended the addition of a new map to the Future Land Use Map Series, a slightly modified version of the consultants Tier Map. In addition to these changes, staff is recommending four additional amendments to the Future Land Use Map, Map 1.

The Lehigh Acres Comprehensive Planning Study includes a recommendation to change large areas of the community to the Central Urban future land use category. While this is balanced somewhat with a reduction of the Tier 3 area to a lower density, no analysis of the impacts of this land use change have been performed. Without a full evaluation of the impacts of these proposed changes, and without a justification of the need, such an amendment is sure to be objected to by the Department of Community Affairs. At this time staff is not recommending transmittal of these changes.

The first staff recommendation is to change the area proposed for the Downtown Lehigh Acres from Central Urban to Intensive Development. The amount of land that is proposed for this future land use category change consists of approximately 158 acres. The intent of this proposed Future Land Use Map change is to encourage a centrally located urban node that offers a diversity of lifestyles, cosmopolitan shopping opportunities and specialized professional services that will benefit Lehigh Acres, as is the intention of the Intensive Development future land use category throughout Lee County.

The current future land use category is Central Urban which allows densities that range from four units an acre to ten units an acre with bonus density of 15 units an acre. The proposed Intensive Development Future Land Use Category allows densities of eight units an acre to 14 units an acre with bonus density of 22 units an acre. The proposed increase in density in Downtown Lehigh Acres would allow an additional 1,106 residential units assuming build out at the allowed bonus densities. Without the use of bonus densities the change in future land use category would allow an additional 632 residential units at maximum density. However the reality and historical pattern is that densities will be much lower than even the minimum density. This area is currently in the Central Urban Future Land Use Category which has a minimum density of four units an acre. In the Lehigh Acres Planning Community lands that are within the Central Urban Future Land Use Category are currently developed at .83 units an acre, or less than one quarter of the minimum density. Using that as a guide it may be estimated that development will actually be at a much lower level than 10 units an acre which is currently allowed in the Central Urban Future Land Use Category. By 2030 it is estimated that Lehigh Acres will have 71,041 dwelling units. If Downtown Lehigh Acres is developed at 22 units an acre, the maximum possible, the additional units allowed by the proposed Future Land Use Map change will represent 1.5 percent of the dwelling units in the Lehigh Acres Planning Community. The intent of the proposed land use change is not to solely increase density but to provide a framework that will allow this area to develop into a dense urban form, with the capability to capture trips and ultimately reduce Lehigh Acres' impact on the rest of the county's road system.

The second, third, and fourth staff recommendations are to expand the Industrial Development Future Land Use designations within the community. The WRT report includes a needs/demand analysis that demonstrates a current deficit of industrial acreage of 444 acres. In order to partially address this deficit staff is recommending several map changes.

The recommended expansion includes two undeveloped properties immediately south of the existing industrial designation and east of Leonard Boulevard. The industrial area of Lehigh Acres is approaching buildout and room for expansion is needed. The undeveloped area immediately to the south of the existing industrial area is an obvious candidate. These parcels are currently in the Central Urban Future Land Use Category. The size of these parcels is approximately 42 acres. The change in the Future Land Use Map to Industrial Development will not increase the allowable residential density of the property. Staff understands that there is an existing Development Order for a church facility on the property, and that use, under Policy 2.1.3, would remain consistent with this change in land use category. Staff also realizes that conditions change and a new Development Order may someday be applied for, requesting industrial use.

The third change includes a strip of lots immediately north of the existing designated industrial park. These lots have already been developed with light industrial uses. The total area of these parcels is approximately 6 acres.

The fourth recommended Future Land Use Map change involves property south of SR 82 and southeast of Blackstone Drive. The area is currently in the Urban Community Future Land Use Category. The combined size of these parcels is approximately 41 acres. The change in the Future Land Use Map to Industrial Development will not increase the allowable

residential density of the property. The Existing zoning is consistent with the Industrial Development category and this change reflects the development expected on the site. This site is relatively large and staff recognizes the difficulty in establishing new areas for industrial uses in the community. The site is already approved for industrial uses with an MPD zoning designation and is thus an ideal candidate to be designated into the Industrial Development category.

Based on the recommended change in the Downtown Mixed Use Node from the Central Urban to the Intensive Development Future Land Use Category it is also necessary that Table 1(b) of the Lee Plan is amended to allocate residential units to the Intensive Development Future Land Use Category within the Lehigh Acres Planning Community.

B. PLANNING COMMUNITY AND SPECIAL TREATMENT AREAS MAP CHANGES

Staff analyzed three areas of land that are located between the Lehigh Acres Planning Community and the Buckingham planning area following recommendations of the Local Planning Agency to move these areas out of the Buckingham Planning Community because they were not included in the Buckingham planning area and the owners of these properties do not consent to the restrictions that are proposed to be placed on their property if they were to be included in the Buckingham Community Plan.

C. CONCLUSIONS

The *Lehigh Acres Comprehensive Plan* constitutes a thorough examination of the Lehigh Acres Community. It identifies both problems and opportunities for the area. The plan identifies many viable ways to address these issues and provides support for the amendment package proposed by staff.

D. RECOMMENDATION

Planning Staff recommends transmittal of the proposed amendment, both text and map, included in this report. See Part I, Section B.2 for specific policy language and map proposals.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE July 27, 2009

A. LOCAL PLANNING AGENCY REVIEW

Planning Staff gave a brief presentation concerning the proposed amendment. One member of the LPA made suggestions concerning shared open space and minimum densities within the Specialized Mixed-Use Nodes. Staff noted that more design criteria and details would be needed to achieve the desired vision of these areas. Proposed policies that would require amendments to the Land Development Code to establish land development and urban design standards for the Specialized Mixed-Use Nodes were pointed out on this matter. The LPA was generally supportive of the proposed amendments to the Lee Plan. There were also brief comments from the public which were supportive of the proposed amendments.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners **transmit** the proposed amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
CINDY BUTLER	AYE
CARRIE CALL	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	AYE
RONALD INGE	ABSTAIN
CARLA JOHNSON	AYE

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 24, 2009

A. BOARD REVIEW: Staff provided a brief summary of the proposed amendment. The presentation briefly covered the proposed Tier Map; specialized mixed use nodes, including the use of Downtown Lehigh Acres as a TDR receiving area; the existing Commercial Overlay Zones; Public Participation; Intergovernmental Coordination; and future work that would be required to implement this plan change. Staff also discussed other amendments that are proposed to the Lee County Comprehensive Plan including amendments to Map 1 and Table 1(b).

This was followed by discussion from several Commissioners about proposed Policy 32.13.6 concerning approval of septic tank variances, which is a function carried out by the Lee County Health Department, a State agency.

This discussion was followed by public comments from four individuals who urged the Board of County Commissioners to transmit the staff recommended amendment. The public comments also indicated the importance of the septic tank issue, and acknowledged additional work will be required in future LDC amendments.

One Commissioner requested that the Lehigh Acres Tier Map should identify the planned Lockett Road Extension. The Board voted to transmit the proposed amendment with the inclusion of the Lockett Road Extension on the Lehigh Acres Tier Map.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed amendment to the Department of Community Affairs.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by County staff and the LPA.

C. VOTE:

BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	ABSENT
RAY JUDAH	AYE
FRANK MANN	AYE

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 15, 2010

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Florida Department of Community Affairs (DCA) Objection, Recommendation, and Comments (ORC) Report contained the following concerning this proposed amendment:

The purpose of the amendment is to implement the Lehigh Acres Comprehensive Planning Study (March 2009) by revising text and maps of the Future Land Use Element (FLUE), Parks/Recreation/Open Space Element, and development allocation Table 1(b). The Lee County Comprehensive Plan utilizes a similar approach (establish a vision statement, goal, objectives/policies, and maps to implement a community planning study) for most of the other planning communities. The Department raises the following objections and comments to the proposed amendments:

8. Objection (Mixed Use Nodes): *Proposed FLUE Policy 32.2.2 requires that development in the “specialized mixed-use nodes” must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public. Although the proposed policy requires a “mixture,” Policy 32.2.2 does not establish meaningful and predictable guidelines and standards to define the quantitative composition of the mixture with regard to each land use in a manner that ensures that the resulting mixed-use nodes will achieve their function. The proposed amendment to create new Lee Plan Map 1 (Specialized Mixed Use Nodes) designates three types of mixed-use nodes: “Downtown” in the downtown area; “Community” nodes for 3 locations; and “Neighborhood” nodes at 6 locations. Because Policy 32.2.2 does not establish meaningful and predictable guidelines and standards for the mixed-use nodes, the proposed amendment to create new Lee Plan Map 1 (Specialized Mixed Use Nodes) lacks these guidelines/standards to implement the map. Therefore, the Department objects to the proposed FLUE Policy 32.2.2. The Department recommends that the mixture require at least some minimum amount (percentage) of nonresidential use in order to ensure that the nonresidential use is not simply an inconsequential token amount that does not achieve the function of the mixed-use node.*

Rules 9J-5.005(6); and 9J-5.006(3)(c)1., 5., and 7.; 9J-5.006(4)(c), F.A.C.; and Section 163.3177(6)(a), F.S.

Recommendation: *Revise Policy 32.2.2 to establish a meaningful and predictable guidelines/standards to define the quantitative composition of the mixture with regard to each land use in a manner that ensures that the resulting mixed-use nodes will achieve their function.*

9. Objection (Commercial Overlay): *Proposed Objective 32.7 (renumbered from Objective 1.8) establishes Commercial Overlay Zones as shown on Map 1, page 7 of 8 of the Lee Plan. The proposed amendment exhibits characteristics of strip commercial sprawl along State Road 82, and the amendment is not supported by data and analysis demonstrating that the amendment discourages the proliferation of urban sprawl consistent with the requirements of Rule 9J-5.006(5), F.A.C.*

Rules 9J-5.005(2); 9J-5.006(1) and (2); 9J-5.006(3)(b)8; 9J-5.006(5), F.A.C.; and Sections 163.3177(6)(a); 163.3177(8) and (10), F.S.

Recommendation: Support the amendment with data and analysis demonstrating that the Commercial Overlay Zones discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5.006(5), F.A.C. Revise the FLUM, if necessary, to be supported by and consistent with the data and analysis.

10. Objection (Transportation; and Intensity Standards): The County proposes four FLUM amendments to change the land uses within Lehigh Acres as shown in the table below:

Parcel Area	Acres	Currently Adopted FLUM	Proposed FLUM
1	158	Central Urban	Intensive Development
2	42	Central Urban	Industrial Development
3	6	Central Urban	Industrial Development
4	41	Urban Community	Industrial Development

The proposed FLUM amendment for Parcel Area 1 (158 acres) is located in the Downtown Lehigh Acres area. Parcel Area 2 (42 acres) is located immediately south of the existing “Industrial Development” area near Leonard Boulevard. Parcel Area 3 (6 acres) includes a strip of lots immediately north of the existing “Industrial Development” area located along Leonard Boulevard, and these lots have already been developed with light industrial uses. Parcel Area 4 (41 acres) is located south of SR 82.

The proposed FLUM amendment to Parcel Area 1 is not supported with data and analysis (based on the maximum development potential of the proposed land uses) addressing the potential impacts to transportation facilities for the short-term and long-term planning timeframes, the impacts upon the adopted level of service standards for the transportation facilities, and the coordination of any transportation facilities improvements that are needed to maintain the adopted level of service standards with the Capital Improvements Element (including the Five-Year Schedule of Capital Improvements and plan policies for long-term transportation strategies) and Transportation Element (including the Future Transportation Map). The proposed FLUM amendments to Parcel Area 2, 3, and 4 designate the Industrial Development future land use category to the subject parcel areas; however, the Lee County Comprehensive Plan does not establish an intensity of use standard for the Industrial Development future land use category. Therefore, the proposed amendment does not guide the intensity of industrial land use on the subject Parcel Areas 2, 3, and 4. The proposed FLUM amendment to Parcel Area 1 designates 158 acres as Intensive Development, which allows office use and light industrial use; however, the Lee County Comprehensive Plan does not establish an intensity of use standard to guide the office use or light industrial use that are allowed in the Intensive Development future land use category. Therefore, the proposed amendment to Parcel Area 1 does not guide the intensity of office use and light industrial use on the subject Parcel Area 1.

Rules 9J-5.005(2) and (5); 9J-5.006(1), (2), (3)(b), and (3)(c)7; 9J-5.006(4); 9J-5.016(1), (2), and (4); 9J-5.019(2), (3), and (4), F.A.C.; and Sections 163.3177(6)(a), (b), and (j); and 163.3177(2), (3), (8), and (10), F.S.

Recommendation: Support the amendment to Parcel Area 1 with data and analysis addressing the potential impacts to transportation facilities for the short-term and long-term planning timeframes, the impacts upon the adopted level of service standards for the transportation facilities, and the coordination of any transportation facilities improvements that are needed to maintain the adopted level of service standards with the Capital Improvements Element and Transportation Element, including amendments to the Five-Year Schedule of Capital Improvements, Future Transportation Map, and plan policies addressing long-term strategies for road improvements. Revise the Comprehensive Plan to establish an intensity of use standard for the Industrial Development future land use category. Revise the Comprehensive Plan to establish an intensity of use standard to guide the office use and light industrial use that are allowed in the Intensive Development future land use category.

11. Comment: Proposed Policy 32.11.1 states that “Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided whenever possible, within one mile of the Lehigh Acres Planning Community boundary.” The Department recommends this policy be strengthened by identifying the circumstances under which the County will require on-site preservation of indigenous plant communities and listed species habitat.

12. Comment: Proposed Policy 32.11.2 states that “Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Planning Community.” The Lee County Comprehensive Plan establishes wetland protection requirements in other objectives/policies that are generally applicable throughout the County. The proposed Policy 32.11.2 is unclear as to the relationship of Policy 32.11.2 with the other wetland protection requirements and as to the applicability within the Lehigh Acres Planning Community of the wetland protection requirements established elsewhere in the Lee County Comprehensive Plan. The Department recommends that Policy 32.11.2 be revised to clarify that the wetland protection requirements of the Lee County Comprehensive Plan (with reference to specific plan objectives/policies) apply to the Lehigh Acres Planning Community area.

B. STAFF RESPONSE:

Objection # 8 Mixed Use Nodes

To address this Florida Department of Community Affairs objection and recommendation, staff is recommending that Policy 32.2.2 which falls under Objective 32.2, Specialized Mixed-Use Nodes, should be amended to include a reference to the existing Mixed Use Overlay Ratios Table, Table 1(c) of the Lee Plan. This will provide quantitative ratios by the underlying Future Land Use Category in a way that is consistent with the existing Lee Plan. These established ratios will provide for a desired mixture of uses within the Specialized Mixed-Use Nodes. This table will be amended to add the title: *Specialized Mixed Use Nodes* and to accommodate the additional acreage from the Specialized Mixed Use Nodes. The proposed changes to Table 1(c) are shown below:

Table 1(c)
Mixed Use Overlay/Specialized Mixed Use Node
Ratios

Future Land Use Map Category	Floor Area Ratio	Acres*		Percent Residential	PercentNo n- Residential
		(existing)	(proposed)		
Intensive Development	3	1,399	1,595	10-50%	50-90%
Central Urban	2	1,985	3,997	20-50%	50-80%
Urban Community	2	2,629	3,195	25-60%	40-75%
Suburban	1	391	391	30-70%	30-70%
Outlying Suburban	1	123	123	30-70%	30-70%

*Remaining acres are within non-residential areas that are situated within the overlay such as Public Facilities and Wetlands.

Staff agrees that the inclusion of quantitative ratios referenced in proposed Policy 32.2.2 is important to address the effects that have been caused by an over abundance of platted single-family residential lots in the Lehigh Acres Planning Community. Inclusion of the above discussed modifications in the amendment will establish meaningful and predictable guidelines that will define the quantitative composition of the mixture of land uses in the mixed-use nodes. Staff believes that the ratios established in Table 1(c) will ensure that the Specialized Mixed-Use Nodes will achieve the goals of providing additional opportunities for employment, housing types, and needed services which are currently severely lacking in the Lehigh Acres Planning Community.

Enforcing Table 1(c) FAR ratios and mixture of use requirement will also permit a more compact development and more efficient use of public infrastructures and transportation networks. This is consistent with Objective 2.1 and Objective 4.3 of the Lee Plan, and the remainder of the Lehigh Acres Community Plan. In addition to being consistent with existing Lee Plan provisions, the proposed development parameters are also consistent with the development pattern desired by the Lehigh Acres Planning Community and Lee County for these specific areas.

County staff is also recommending revision of Policy 32.2.2 to be consistent with Lee Plan language proposed as part of CPA2008-06, implementing the Density Reduction/Groundwater Recharge Study. Both the Lehigh Acres Community Plan amendment and the DR/GR amendment have proposed a mixed use community at the intersection of State Road 82 and Daniels Parkway/Gunnery Road. To eliminate inconsistencies that would be adopted into the Lee Plan these proposed amendments to the Lee Plan must acknowledge and reconcile the different requirements in the overlapping area. To address both the ORC objection and this issue, Lee County Planning staff is proposing that Policy 32.2.2 be revised to read as follows:

POLICY 32.2.2: All rezoning in these areas must be reviewed as a Planned Development, except for the DR/GR Mixed-Use Community node shown on Map 17 south of SR 82 at Daniels Parkway. The proposed development must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public, as well as integrating the surrounding neighborhoods. Standalone residential planned developments are prohibited. Residential uses may only be permitted in conjunction with a mixed use planned development. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c) of the Lee Plan. The Community Mixed-Use Activity Center located

south of SR 82 at Daniels Parkway is also designated as a DR/GR Mixed-Use Community on Map 17 of the Lee Plan, and development approvals may follow any of the procedures established for DR/GR Mixed-Use Communities instead of being reviewed as a Planned Development.

Objection #9 Commercial Overlay

It has long been understood that there is a shortage of land available for commercial uses in Lehigh Acres. This fact was originally documented in the 1996 *Lehigh Acres Commercial Land Use Study* prepared by Spikowski Planning Associates (attached). The 2009 Wallace Roberts & Todd (WRT) Study also found a lack of suitable commercial sites in Lehigh Acres (attached). The Spikowski Study identified lands suitable for commercial development within Lehigh Acres. Lee County incorporated the recommendations of the Spikowski Study into the Lee Plan in the 1997 regular amendment round by adopting Lee Plan Amendment PAM/T 96-19 (attached). PAM/T 96-19 was adopted by the Board of County Commissioners on June 3, 1998. The Florida Department of Community Affairs issued a notice of intent to find the amendment in "compliance" and the amendment became effective on July 30, 1998. The study recommended a new overlay for Lehigh Acres that identified lands suitable for commercial development. The amendment incorporated a new objective and policies specific to commercial uses in Lehigh Acres. The amendment proposed the objective as Objective 1.7a. The Commercial Overlay Map was created as a companion to then proposed Lee Plan Objective 1.7a. Objective 1.7a was subsequently renumbered to Objective 1.8.

The current amendment proposes to relocate Objective 1.8 to an objective under the new proposed Lehigh Acres Goal, Objective 32.7, "Commercial Overlay Zones." The amendment proposes minor updates to the objective that reflect the adoption of the State Road 82 Corridor Access Management Plan (attached) and the adoption of the Gunnery Road Corridor Access Management Plan (attached), as originally required by Objective 1.8. The language of the original objective remains mostly unchanged. The main purpose of moving this Objective is to keep all of the Lee Plan provisions that are applicable only to Lehigh Acres in one place within the Lee Plan, making it more user friendly.

The Commercial Overlay Map provides a graphic representation of commercial zones that have been an approved part of the Lee Plan since PAM/T 96-19 was found to be in compliance on July 30, 1998. The Commercial Overlay Zones have been referenced in the text of the Lee Plan however the map was found only in the support documents of the Plan, not part of the adopted Future Land Use Map Series. The current amendment proposes to adopt the Commercial Overlay Zones as a part of the Future Land Use map series, Map 1, page 8 of 8.

The graphic representation of these areas reveals the pattern of development of the Commercial Overlay Zones to be "strip," however, this must be considered in context of the local conditions, in accord with Rule 9J-5.006(5)(i). Relevant local context in this case is the existing pattern of development including the existing ¼ acre and ½ acre vested and platted parcels. Parcels along State Road 82 have been zoned and vested for commercial uses since the original platting of Lehigh Acres. The WRT Study includes a discussion of the various decisions and agreements that affect development in Lehigh Acres and explains the vested nature of Lehigh Acres. This discussion starts on page 20 of the study. The 1988 Stipulation and Settlement Agreement vested the majority of Lehigh Acres with urban densities and intensities of use. The 1992 Stipulation and Settlement Agreement between Lee County and the Lehigh Development Corporation gave the majority of the community concurrency vesting.

The allowance of additional commercial uses or the creation of additional commercial opportunities is paramount to the long term strategies for the Lehigh Acres Planning Community as identified by both the 1996 Spikowski Study and the 2009 WRT Study. To accommodate the additional commercial uses within the Commercial Overlay Zones, Lee County has taken proactive steps to mitigate potential issues that may arise. Lee County has worked cooperatively with the Florida Department of Transportation to develop a Corridor Access Management Plan for State Road 82 and has adopted a Corridor Access Management Plan for Gunnery Road. In addition to the Corridor Access Management Plans, Lee County has included provisions in the proposed Lehigh Acres Community Plan that limit direct access to Lee Boulevard and require access to 4th and 5th Street, which have been designated Collector Roads. Rule 9J-5.006(5)(j) identifies development controls that may be incorporated to affect the determination of urban sprawl. Included in the list of 22 development controls are access management controls. Lee County believes that the Corridor Access Management Plans in conjunction with other provisions of the Lee Plan that act as access management controls should be considered before making a determination of urban sprawl.

The Lehigh Acres Commercial Overlay Zones are within the Central Urban and Urban Community future land use categories. These future land use categories are considered to be Future Urban Areas of Lee County as described under Objective 1.1. The Lee Plan in Policy 1.1.3 generally describes the Central Urban future land use category as the “urban core”. Policy 1.1.4 describes the Urban Community future land use category as “a mixture of relatively intense commercial and residential uses.” Lee County believes that the Commercial Overlay Zones promote infill of these areas because development within the Commercial Overlay Zones will utilize existing public infrastructure and transportation networks.

Rule 9J-5.006(5)(l) allows the Florida Department of Community Affairs to encourage innovative and flexible planning and development strategies and creative land use planning techniques in local plans. This rule provides for several planning strategies and techniques such as urban villages, new towns, satellite communities, clustering and open space provisions, and mixed-use development that will be recognized as methods of discouraging urban sprawl and will be determined consistent with the provisions of the state's comprehensive plan, regional policy plans, and Chapter 163, Part II, F.S. The Lehigh Acres amendment represents an innovative and flexible approach to a very large platted subdivision with vested rights. The proposed amendment provides a comprehensive strategy to promote mixed-use and commercial development in a community that is predominantly composed of single-family lots.

Commercial Overlay Zones do discourage the proliferation of urban sprawl. The majority of these areas have commercial zoning in place and are vested for urban commercial intensities as well as being vested from County Concurrency requirements. Access controls are in place. Development of these areas should be considered as infill development. The amendment represents a new planning direction for the community which promotes several mixed use nodes along with well planned commercial areas. Staff recommends that the Board of County Commissioners **adopt** the Commercial Overlay substantially as found to be in compliance by the Florida Department of Community Affairs in 1998, with the adjustments proposed in this current amendment.

Objection #10 Transportation and Intensity Standards

The Florida Department of Community Affairs objected to proposed amendments that would change the Future Land Use Category of four areas. The first area, Area 1 Downtown Lehigh Acres, is 158 acres and is proposed to be changed from the Central Urban Future Land Use category to the Intensive

Development Future Land Use category. The second area, Area 2 South Addition to the Lehigh Acres Industrial Park is 42 acres and is proposed to be changed from the Central Urban category to the Industrial Development category. Area three, north of the Lehigh Acres Industrial Park is 6 acres and is proposed to be changed from the Central Urban category to the Industrial Development category. Area four, the Blackstone Industrial Development Area south of State Route 82, consists of 41 acres and is proposed to be changed from the Urban Community category to the Industrial Development future land use category. Each of these areas are unique, as are the objections raised by the Florida Department of Community Affairs. Lee County staff response is provided below for each area.

Area 1: Downtown Lehigh Acres

Lee County staff has proposed to amend the Future Land Use Category of Downtown Lehigh Acres, containing 158 acres, from the Central Urban category to the Intensive Development category. The Florida Department of Community Affairs has objected to the proposed change to the Future Land Use Map stating that the amendment lacks adequate data and analysis to address the potential impacts to transportation facilities for both the short-term (5-year), and long-term (20-year) planning timeframes. In order to respond to the Department of Community Affairs Objection, Lee County Planning Division staff established short term and long term development parameters. The method used to establish these development parameters is consistent with the Lee Plan and based upon the anticipated acreage allocation for Intensive Development within the Lehigh Acres Planning Community during the planning horizon of the Lee Plan.

Using the worst case development scenario under the proposed Intensive Development future land use category, the total anticipated development within the 5-year period would be 245 residential units and 1,404,021 square feet of non-residential development. The worst case scenario under the Intensive Development future land use category anticipates development within the 20-year period (to the year 2030) would include 745 residential units and 3,549,525 square feet of non-residential floor area. Lee County Planning staff provided development parameters to the Lee County Department of Transportation to complete the transportation analysis as requested by the Department of Community Affairs.

The analysis completed by Lee County Department of Transportation is summarized in the attached memo. This analysis concludes that the amendment will not alter the future road network plans within a 3-mile radius of Downtown Lehigh Acres. The proposed change to the future land use category will not require any amendments to the 5-year Schedule of Capital Improvements or the Future Transportation Plan. The Lee County DOT staff analysis also indicates that State Road 82, the closest State owned transportation facility, is outside of the three mile area of influence.

Area 2: South Addition to the Lehigh Acres Industrial Park

Lee County staff has proposed to amend the Future Land Use Map affecting 42 acres of land by changing the future land use category from Central Urban to Industrial Development. The property has recently been developed as a large church. However, due to the lack of industrial areas within Lehigh Acres, as identified by the 2009 WRT study, county staff is recommending the addition of the church parcel within the Industrial Development future land use category. The existing church is an allowable use in the Industrial Development category.

The site is immediately south of the Lehigh Acres Industrial Park. This parcel is also relatively large compared to other parcels within Lehigh Acres that have been platted as $\frac{1}{4}$ and $\frac{1}{2}$ acre lots. The proximity to industrial uses and the size of this parcel creates an ideal location for additional industrial

development in the future. The Florida Department of Community Affairs did not specifically object to the proposed land use change, but recommended that Lee County establish an intensity of use standard for the areas proposed to be changed to the Industrial Development future land use category.

An analysis of the adjacent industrial development has shown that these parcels have been developed with a range of floor area ratios from about 0.15 to 0.5. The average floor area ratio in the adjacent Lehigh Acres industrial area is 0.3. Lee County does not want to hinder any potential redevelopment within the approximately 50 year old Lehigh Acres industrial area. By providing for a floor area ratio greater than what is currently developed, redevelopment of the industrial area will allow for a more compact development pattern that would afford additional employment opportunities per acre of land in the Industrial Development future land use category. To provide the flexibility needed by potential industrial developments, Lee County staff is proposing to establish a maximum floor area ratio of 1.0 for the parcels within area two.

Area 3: North Addition to the Lehigh Acres Industrial Park

Lee County staff has proposed to amend the Future Land Use Map affecting 6 acres of land by changing the future land use category from the Central Urban category to the Industrial Development category. These properties have been developed with light industrial uses. Because of the lack of industrial uses, as identified by the 2009 WRT study, Lee County believes that it is important to protect this area as an industrial area. Lee County staff is recommending that this area's designation be amended to protect and encourage future industrial use of this area. These parcels are immediately north of the current industrial area in Lehigh Acres. The location and current development pattern of the parcels creates an ideal location for industrial development now and in the future. The Florida Department of Community Affairs did not specifically object to the proposed land use change, but recommended that Lee County establish an intensity of use standard for the area proposed to be changed.

An analysis of the adjacent industrial development has shown that these parcels have been developed with a range of floor area ratios from about 0.15 to 0.5. The average floor area ratio in the adjacent Lehigh Acres industrial area is 0.3. Lee County does not want to hinder any potential redevelopment within the Lehigh Acres Industrial Area that began developing 50 years ago. By providing for a floor area ratio greater than what is currently developed, redevelopment of the industrial area will allow for a more compact development pattern that would afford additional employment opportunities per acre of land in the Industrial Development future land use category. To provide the flexibility needed by potential industrial developments, Lee County staff is proposing to establish a maximum floor area ratio of 1.0 for the parcels within area three.

Area 4: Blackstone Industrial Development Area

Lee County staff has proposed to amend the Future Land Use Map affecting 41 acres of land by changing the future land use category from Urban Community to Industrial Development. These have been approved for industrial development, but are within the Central Urban land use category. Because the lack of industrial uses, as identified on the 2009 WRT study, Lee County believes that it is important to protect this area as an industrial area. Lee County staff is recommending amending the future land use category from Urban Community to Industrial Development to protect and encourage future industrial use of this area. These parcels are also relatively large compared to other sites within Lehigh Acres that have been platted as ¼ and ½ acre parcels. The size and approved development plan of these parcels creates an ideal location for industrial development now and in the future. The Florida Department of Community Affairs did not specifically object to the proposed land use change, but

recommended that Lee County establish an intensity of use standard for the areas proposed to be changed to the Industrial Development future land use category.

An analysis of the areas approved for industrial development has shown that these parcels have been approved with a floor area ratio of 0.26. However, area four is currently within the Lehigh Commercial Overlay. Policy 1.8.1 of the Lee Plan established the floor area ratio of 1.0 for the Lehigh Commercial Overlay. This floor area ratio was established with the adoption of PAM/T 96-19 by the Board of County Commissioners on June 3, 1998. To avoid claims of taking and liability under the Burt J. Harris Act, Lee County staff is proposing to establish a maximum floor area ratio of 1.0 to be consistent with the established floor area ratio on these parcels within area four.

Planning staff also recommends that the parcels within the Blackstone Industrial Development Area be removed from the commercial Overlay Zones as identified on proposed Map 1, Page 8 of 8 to accommodate the proposed amendment to the Future Land Use Category. This will prevent future confusion as to which requirements apply.

Lee County planning staff is recommending that Policy 1.1.7, the Industrial Development Areas descriptor policy, be modified to establish a Floor Area Ratio of 1.0 for areas 2, 3, and 4. The proposed amendments will effectively establish a floor area ratio as recommended by the Florida Department of Community Affairs in the ORC Report dated January 15, 2010. Policy 1.1.7 will be amended to read as follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and central locations to reduce employee commuting distances. The Industrial Development area is to be reserved for research and development, laboratories, industrial activities, and office; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). New natural resource extraction (mining) activities and fill dirt operations must be approved through the Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. The 89± acres redesignated by CPA2008-07 from the Central Urban and Urban Community categories to the Industrial Development future land use category, within the Lehigh Acres Planning Community, will have a maximum Floor Area Ratio of 1.0. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per each Planning Community.

Comment # 11

The Florida Department of Community Affairs recommends that Policy 32.11.1 "be strengthened by identifying the circumstances under which the County will require on-site preservation of indigenous plant communities and listed species habitat." Lee County staff notes that Lee Plan Objective 77.3 and subsequent Policies provide circumstances and requirements of on-site preservation or off-site mitigation of indigenous species. These provisions will also be applicable to the Lehigh Acres Planning Community. Consistent with the Lee Plan, Section 10-415(b) of the Lee County Land Development Code requires that large developments with existing indigenous native vegetation communities must provide 50 percent of the open space requirement through onsite preservation of existing native vegetation communities. Large projects are defined as projects encompassing greater than 2 acres of impervious or 10 acres in total size. Lee County staff finds that the proposed language is consistent with existing language found in the Lee Plan. To strengthen proposed Policy 32.11.1, references to Objective 77.3 will be included as follows:

POLICY 32.11.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided ~~whenever possible, within one mile of the Lehigh Acres Planning Community boundary.~~ Development must also be consistent with Goal 77, and Objective 77.3 of this Plan.

Comment # 12

The existing Lee Plan requirements for wetlands protection and restoration will remain applicable to wetlands identified in the Lehigh Acres Planning Community. Due to the multiple government agencies responsible for the provision of services in the Lehigh Acres Planning Community, this is an aspirational policy encouraging greater cooperation and efficiencies between these government organizations, including Lee County. One of these service providers is the East County Water Control District (ECWCD). The ECWCD has stated that there is a need for additional stormwater storage capacity within the Lehigh Acres Planning Community. Existing, or previously drained wetlands could be used to meet this needed storage capacity if protected or restored. Therefore it is in the interest of both government organizations to identify, protect, or restore these wetlands. This is also consistent with proposed Policy 32.14.4, which states that "Lee County will work with the East County Water Control District to identify existing wetlands and opportunities for stormwater detention."

C. STAFF RECOMMENDATION:

Lee County Division of Planning staff recommends Board of County Commissioners incorporate the Lehigh Acres Community Plan into the Lee Plan by making the following specific amendments to the Lee Plan.

Staff recommends the following four changes to the Future Land Use Map (FLUM):

1. Change the Future Land Use Map designation for the area proposed for the Downtown Specialized Mixed Use Node from Central Urban to Intensive Development.
2. Expand the Industrial Development Future Land Use designation of the existing industrial area in western Lehigh Acres by including the "South Addition to the Lehigh Acres Industrial Park." The recommended expansion includes two properties immediately south of the existing designation and east of Leonard Boulevard. The property is developed with a church facility. All land use categories permit the consideration of churches.

3. Expand the Industrial Development Future Land Use designation to include the strip of lots immediately north of the existing designated Industrial park, the "North Addition to the Lehigh Acres Industrial Park." These lots have already been developed with light industrial uses.
4. Include the "Blackstone Industrial Development Area" property south of SR 82 and southeast of Blackstone Drive into the Industrial Development Future Land Use category.

Staff recommends the addition of the revised boundary for the Lehigh Acres Planning Community to the Future Land Use Map Series Map 1, Page 2 of 6, Special Treatment Areas.

Staff recommends the addition of the Lehigh Acres Community Plan Overlays Map to the Future Land Use Map Series to be designated as Map 1, page 8 of 8, Special Treatment Areas. This includes the existing Commercial Overlay Zones and also adds the Specialized Mixed-Use Nodes and the Lehigh Acres Tiers.

Staff recommends amending Year 2030 Allocation Table, Table 1(b), to provide an allocation to the Intensive Development Future Land Use Category that is proposed for the Downtown Mixed Use Overlay. Staff's recommendation includes decreasing the Urban Community allocation from 13,269 acres to 12,797 acres; and increasing the newly added Intensive Development from 0 acres to 42 acres. Table 1(b) as proposed is provided in full as an attachment to this staff report.

To accommodate the additional acreage and assure a mixture of uses within the Specialized Mixed-Use Nodes, staff recommends amending the Mixed Use Overlay Ratios Table, Table 1(c).

Staff recommends adoption of the language as transmitted to the Florida Department of Community Affairs, with the exception of the Objectives and Polices discussed above in Part V, Section B. Complete language for adoption is shown on the following pages. Language that is not underlined is currently in the Lee Plan. Language that is underlined is proposed new language for Goal 32, Lehigh Acres. Language that is currently in the Lee Plan that staff is recommending for removal is shown as struck through.

PROPOSED NEW VISION STATEMENT

~~Lehigh Acres - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow at a rate faster than the county average growth rate. This community, however, will not be close to build out by 2030. Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)~~

A “sustainable community of choice” is comprised of a collection of unique and inviting neighborhoods with involved citizens, a healthy environment, housing and employment opportunities, a full range of public services, and an efficient multi-modal transportation network connecting adjacent uses and neighboring communities. Residents will be encouraged to live a healthy and active lifestyle and will be provided opportunities to connect to the natural environment and their neighbors. This is the community vision of Lehigh Acres. Achieving the vision in the Lehigh Acres Planning Community will require improving the pattern of development to reduce dependence on neighboring communities for employment, recreation, and public services. Accomplishing this vision will reduce transportation impacts in neighboring communities and provide benefits to all of Lee County.

MODIFICATIONS TO CURRENT LEE PLAN FUTURE LAND USE ELEMENT

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county’s economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and central locations to reduce employee commuting distances. The Industrial Development area is to be reserved for research and development, laboratories, industrial activities, and office; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). New natural resource extraction (mining) activities and fill dirt operations must be approved through the Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. The 89± acres redesignated by CPA2008-07 from the Central Urban and Urban Community categories to the Industrial Development future land use category, within the Lehigh Acres

Planning Community, will have a maximum Floor Area Ratio of 1.0. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per each Planning Community.

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Goal 32 Policies 1.8.1 through 1.8.3.

1. through 8, no changes.

9. The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Goal 32 Policies 1.8.1 through 1.8.3, or within the Captiva community in the areas identified by Policy 13.2.1.

10. through 13, no changes.

ADDITIONS TO THE FUTURE LAND USE ELEMENT

GOAL 32: LEHIGH ACRES. To ensure that continued development and redevelopment within the Lehigh Acres Planning Community converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed-use activity centers and neighborhood nodes; with adequate green space and recreational opportunities. This Goal and subsequent Objectives and Policies apply to The Lehigh Acres Planning Community, as depicted on Map 1.

OBJECTIVE 32.1: ESTABLISH A SUSTAINABLE COMMUNITY OF CHOICE. To ensure that development and redevelopment within the Lehigh Acres Planning Community evolves into a sustainable community containing a broad mix of residential types and non-residential uses served by efficient infrastructure.

POLICY 32.1.1: The County will incentivize the development of specialized mixed use nodes within the Lehigh Acres Planning Community in a sustainable pattern that will provide opportunities for employment, housing, recreation, goods, and services. Incentives may include but not be limited to transfer of development rights, expedited reviews, special land development regulations within the Lehigh Acres Planning Community, and public private partnerships to utilize alternative funding methods including Municipal Service Taxing Units (MSTU) and Municipal Service Benefit Units (MSBU).

POLICY 32.1.2: Establish a series of specialized mixed use nodes throughout the Lehigh Acres Community to provide opportunities to diversify employment, vary housing types, reduce the need for future roadway expansions, and reduce the need for commuting.

POLICY 32.1.3: The Lee County Board of Commissioners acknowledges that there is an over abundance of single-family homesites available to construct detached single-family homes.

POLICY 32.1.4: Encourage a wide range of housing options within the Lehigh Acres Planning Community by supporting the development of a variety of housing types.

POLICY 32.1.5: Identify, preserve, protect, and, where possible, restore the remaining natural resources of the community.

POLICY 32.1.6: Encourage pedestrian friendly development with an emphasis on human scale design.

POLICY 32.1.7: Encourage connectivity between all land uses through an efficient multi-modal transportation network.

POLICY 32.1.8: Lee County will work with Lee Tran to improve the mass transit system within the Lehigh Acres Planning Community.

POLICY 32.1.9: Developers are encouraged to utilize Sustainable Development Design, as outlined in Goal 4.

POLICY 32.1.10: The Lehigh Acres Tier Map, Future Land Use Map 1, Page 8 of 8, subdivides the Lehigh Acres Community into 3 Tiers:

1. Tier 1 consists of the older urbanized core of Lehigh Acres that is largely served by an existing array of public services and facilities, including a well-developed road network, water and sewer facilities, schools, and the bulk of Lehigh Acres' commercial development.
2. Tier 2 consists of those areas immediately adjacent to Tier 1 where public facilities such as water and sewer are not fully available today, but where the provision of these public facilities should be prioritized in the second decade of the planning horizon, 10 to 20 years from adoption of the plan.
3. Tier 3 consists of the extreme northern and eastern fringe of Lehigh Acres. This area is the least developed and is the lowest in zoned density due to the preponderance of one acre and half acre lots. This area has virtually no public services and facilities, little commercial uses and many roads that are in poor or very poor condition.

For the purpose of Capital Improvement Programming Tier 1 and 2 are the priority areas to receive capital improvements.

POLICY 32.1.11: By the end of 2011, Lee County will amend the Land Development Code to incorporate

1. Land development and urban design standards for each of the specialized mixed use node sub-categories.

2. Land development and urban design standards for Lee Boulevard and SR 82.
3. Design and development standards for duplex and two-family attached structures within Lee County.

OBJECTIVE 32.2: SPECIALIZED MIXED USE NODES: Are areas that will help to contribute the uses needed to support the Lehigh Acres Planning Community in an integrated and sustainable approach.

POLICY 32.2.1: Specialized mixed use nodes will be classified in three sub-categories. These sub-categories are identified on Map 1, Page 8 of 8 of the Lee Plan, as Downtown Lehigh Acres, Community Mixed-Use Activity Centers, and Neighborhood Mixed-Use Activity Centers.

POLICY 32.2.2: All rezoning in these areas must be reviewed as a Planned Development, except for the DR/GR Mixed-Use Community node shown on Map 17 south of SR 82 at Daniels Parkway. The proposed development must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public, as well as integrating the surrounding neighborhoods. Standalone residential planned developments are prohibited. Residential uses may only be permitted in conjunction with a mixed use planned development. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c) of the Lee Plan. The Community Mixed-Use Activity Center located south of SR 82 at Daniels Parkway is also designated as a DR/GR Mixed-Use Community on Map 17 of the Lee Plan, and development approvals may follow any of the procedures established for DR/GR Mixed-Use Communities instead of being reviewed as a Planned Development.

POLICY 32.2.3: In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density.

POLICY 32.2.4: The site location standards described in Policy 6.1.2 do not apply within areas designated as specialized mixed use nodes.

POLICY 32.2.5: Within the boundaries of the Specialized Mixed-Use Nodes on-street parking, as provided for in Section 4 of Lee County Ordinance No. 91-29 and meeting the dimensional requirements of Section 34-2016(1) of the Land Development Code, may be provided as a one-to-one substitute for required on-site parking.

POLICY 32.2.6: Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas.

POLICY 32.2.7: Within these nodes, promote the establishment of pedestrian friendly mixed use development:

- a. Buffer walls between commercial and residential uses are not required.
- b. Bicycle and pedestrian facilities will be provided throughout these developments.
- c. Connections between all uses are required to facilitate alternative modes of transportation.
- d. Connections to adjacent developments will be provided.

e. Vehicular connections between different uses will be provided to facilitate the internal capture of trips.

POLICY 32.2.8: Existing or future regulations that inhibit the development of these mixed-use projects will be given strong consideration for deviations.

POLICY 32.2.9: Additional Specialized Mixed Use Nodes may be appropriate at the following intersections following the construction of the Lockett Road Extension:

- a. W 12th Street and Sunshine Boulevard
- b. W 12th Street and Williams Avenue
- c. W 12th Street and Richmond Avenue
- d. W 12th Street and Joel Boulevard

OBJECTIVE 32.3: DOWNTOWN LEHIGH ACRES: Is an area expected to redevelop as a vibrant, intensely developed mixed-use gathering place to serve area residents. It will provide opportunities for multi-family residential, public and private education, live-work, retail, office, medical, entertainment, arts, commercial/public parking, parks, other civic uses, and public amenities. The potential mixture of jobs, living, cultural and recreation opportunities allows the greatest efficiency in the use of infrastructure and other public expenditures of any development style envisioned by this Plan. Downtown Lehigh Acres is an appropriate receiving area for transferred development rights.

POLICY 32.3.1: The Downtown Lehigh Acres area offers a mix of opportunities to live and work in a vibrant, well designed urban environment. Land use is focused on providing residential or office uses on upper floors, with retail uses at the street level to energize the urban experience. Parking should be in structures, not in surface lots. Street trees, well designed public gathering areas, and lighting should be employed to create a safe, inviting experience at the street level both day and night.

POLICY 32.3.2: The downtown provides a living environment to a growing segment of society that no longer desires the suburban lifestyle. It provides housing for a wide variety of income levels, in an environment that allows less reliance on the automobile.

POLICY 32.3.3: Create and revitalize the downtown as the premier urban center of Lehigh Acres, providing jobs, residential opportunities, and cultural and economic activities. Residents should find not only access to employment, transportation, and basic amenities, but a concentration of restaurants, galleries, and unique shopping experiences.

POLICY 32.3.4: Downtown Lehigh Acres will be viewed as a receiving area for any transfer of development rights program that is established in Lee County.

POLICY 32.3.5: Bonus density greater than 15 units per acre in the Intensive Development Future Land Use Category must be achieved through the transfer of development rights program.

OBJECTIVE 32.4.: COMMUNITY MIXED-USE ACTIVITY CENTERS: Are areas of sufficient size and location that will help to contribute the uses needed to support all of the

Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

POLICY 32.4.1: Identify those areas within Lehigh Acres that have sufficient vacant or undeveloped land to accommodate the community-scale development that will balance the land uses and provide opportunities to diversify the economic base of the community.

POLICY 32.4.2: These areas provide the best opportunity for resolving many of the problems inherent in a single use platted community that lacks a diversity of uses.

POLICY 32.4.3: The emphasis of the future development of these areas is to provide employment opportunities mixed with facilities offering goods and services that support the wider community.

OBJECTIVE 32.5.: NEIGHBORHOOD MIXED-USE ACTIVITY CENTER: Are areas of sufficient size and location that will help to contribute the uses needed to support large portions of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

POLICY 32.5.1: The emphasis of the future development of these areas is to provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types.

POLICY 32.5.2: In addition to adhering to the policies under Objective 32.2, Specialized Mixed Use Nodes, these areas are intended to provide a strong link to the existing single family areas. Interconnections utilizing all modes of transportation are strongly encouraged.

POLICY 32.5.3: In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged.

OBJECTIVE 32.6.: LOCAL MIXED-USE ACTIVITY CENTERS: Are areas located within existing and emerging residential neighborhoods that are intended to support the local daily commercial needs of the neighborhood. Local Activity Centers are envisioned as floating designations that may be applied for as part of a rezoning.

POLICY 32.6.1: To assure neighborhoods have local access to commercial services that support the daily needs of the neighborhood, Local Mixed-Use Activity Centers will not be assumed to be an encroachment into the neighborhood.

POLICY 32.6.2: These areas are intended to provide a strong link to the existing single family neighborhood. Interconnections utilizing all modes of transportation are highly encouraged.

POLICY 32.6.3: Buffer walls between commercial and residential uses are not required.

POLICY 32.6.4: Local Mixed-Use Activity Centers may be located on property as small as one lot, but are limited to a maximum of one platted block.

POLICY 32.6.5: Connections between the commercial use and the immediate neighborhood are required. These connections should include pedestrian and bicycle facilities.

POLICY 32.6.6: Within the boundaries of Local Mixed-Use Activity Centers on-street parking, as provided for in Section 24 of the Lee County Code of Laws and Ordinances, may be provided as a one-to-one substitute for required on-site parking.

POLICY 32.6.7: To receive the Local Mixed-Use Activity Center designation, the center should be located approximately ½ mile or more from the edge of any area identified in Objective 32.2, Specialized Mixed Use Nodes, and must meet the following locational and access criteria

- a. Must initially have frontage on two publicly maintained streets.
- b. Local Mixed-Use Activity Center will be designated through the zoning process.
- c. May be expanded to an area that is adjacent to a previously designated Local Mixed-Use Activity Center.

NOTE: The following Objective and subsequent policies are a renumbering of existing Objective 1.8 with modifications shown in strikethrough/underline format.

OBJECTIVE 1.8 32.7: LEHIGH ACRES COMMERCIAL USES OVERLAY ZONES: Designate additional overlay zones on the Future Land Use Map to ~~designate~~ establish potential commercial land uses in Lehigh Acres. The Commercial Overlay Zones are identified on Map 1, page 8 of 8 of the Lee Plan. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres.

POLICY 1.8.1 32.7.1: Commercial uses are permitted on lands in the Lehigh Commercial overlay once commercial zoning has been approved in accordance with this plan. Land in the Lehigh Commercial overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and, residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor-area ratio of 1.0 (the ratio of interior floor space to total lot area).

~~The prohibition on single family development does not apply in the following portions of the Lehigh Commercial overlay: (1) that portion of Section 6, Township 45S, Range 27E lying south of 23rd Street Southwest and its easterly extension beyond Beth Stacey Boulevard, containing about 92 acres; and (2) those portions of Section 5, Township 45S, Range 27E described as follows: (a) that part of the southwest quarter of the northeast quarter lying southwest of Homestead Road, containing 22.12 acres, and (b) the west 364 feet of the north half of the southeast quarter, containing 11.00 acres, and (c) the southwest quarter of the southeast quarter less the south 175 feet of the east 125 feet, containing 39.50 acres. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

~~**POLICY 1.8.2:** Commercial uses are permitted on all lots in the **Reclaimed Strip** overlay facing S.R. 82. Access management for property abutting S.R. 82 is governed by the Corridor Access Management Plan (CAMP) adopted by FDOT in July 2007. All lots will have access to S.R. 82 via Meadow Road, which will serve as a reverse frontage street as described in Resolution 08-06-28 adopted by the Board of County Commissioners on June 17, 2008. All lots will be required to access S.R. 82 consistent with the access points reflected in the CAMP and the requirements set forth in Resolution 08-06-28. Commercial uses are also permitted on all **Reclaimed Strip** lots facing Gunnery Road. Access management for property abutting Gunnery Road is governed by the access management plan described in Bluesheet No. 20011253 adopted by the Board of County Commissioners on November 20, 2001. All lots will have access to Gunnery Road via Gretchen Avenue, which will serve as a reverse frontage street. All lots will be required to access Gunnery Road consistent with the access points reflected in Bluesheet No. 20011253. (Added by Ordinance No. 98-09, Amended by Ordinance No. 09-06)~~

~~**POLICY 1.8.3 32.7.2:** Because of the shortage of suitable undivided tracts in the Lehigh Acres Planning Community (whose boundaries for the purposes of this plan are shown on Map 16), commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.~~

1. Many such lands are designated ~~with~~ as part of the Lot Assembly overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, the assemblies of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.
2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the ~~normal~~ planned development zoning processes or by requesting a ~~new~~ the CN-3 conventional commercial zoning district that ~~may be~~ was created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:
 - a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or
 - b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Land-owners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

~~Decisions on the suitability of any proposal will be made by Lee County on a case-by-case basis in order to implement the intent of these regulations.~~

~~3. Commercially zoned land not placed within one of these overlays can be developed in accordance with previous regulations, but may be subject to county initiated rezonings to restrict or eliminate future commercial uses there. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

OBJECTIVE 32.8.: PARKS, RECREATION, OPEN SPACE AND PUBLIC FACILITIES. Lee County will explore opportunities to create a coherent network of parks, greenways, water amenities, open space, and other public facilities.

POLICY 32.8.1: Lee County Parks and Recreation will work with the East County Water Control District to identify rights-of-way or easements that can be incorporated into the County's greenway plan.

POLICY 32.8.2: Lee County, the East Lee County Water Control District, the Lee County School District, and other agencies will work together to identify areas that can be acquired for possible co-location of parks, water retention and other water amenities, school sites, and other public facilities.

POLICY 32.8.3: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Greenways Master Trail Plan, must incorporate the greenway trail into their development design, as required by Policy 77.3.7 of the Lee Plan.

POLICY 32.8.4: Lee County will work with the Lee County School District and other agencies that operate within the Lehigh Acres Planning Community to identify adequate land to develop additional public facilities needed to accommodate the expected growth of Lehigh Acres.

OBJECTIVE 32.9: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. Lee County will work to improve transportation parking and circulation within the Lehigh Acres Planning Community.

POLICY 32.9.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged.

POLICY 32.9.2: All connections to SR 82 must be consistent with the Florida Department of Transportation Corridor Access Management Plan for SR 82.

POLICY 32.9.3: All connections to Gunnery Road must be consistent with the Gunnery Road Access Management Plan.

POLICY 32.9.4: All new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas.

POLICY 32.9.5: Lee County will identify possible locations of new bridges to improve the continuity of the street network and connect neighborhoods.

POLICY 32.9.6: Lee Tran will continue to identify opportunities to improve service, frequency, routes, and bus stop amenities in the Lehigh Acres Community.

POLICY 32.9.7: New Single-Family Model Homes are prohibited within 300 feet of Arterial and Collector Roads.

OBJECTIVE 32.10: SEWER AND WATER. Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems.

POLICY 32.10.1: The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 11.1 and 11.2 of this Plan before a development order will be issued.

POLICY 32.10.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive urban services and infrastructure during the planning horizon of the Lee Plan.

POLICY 32.10.3: Lee County will work with Florida Governmental Utilities Authority (FGUA) to prioritize areas for expansion of utilities.

OBJECTIVE 32.11: NATURAL RESOURCES. Lee County will preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres, by maintaining the diverse and healthy native vegetation, and wildlife resources.

POLICY 32.11.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided within the Lehigh Acres Planning Community boundary. Development must also be consistent with Goal 77, and Objective 77.3 of this Plan.

POLICY 32.11.2: Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Planning Community.

POLICY 32.11.3: Lee County will provide incentives (for example increased density, Transfer of Development Rights, etc.) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Lehigh Acres Planning Community.

POLICY 32.11.4: Where not inconsistent with the South Florida Water Management District design criteria, natural habitat restoration is preferred to open water systems for treating stormwater.

OBJECTIVE 32.12: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 32.12.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Lehigh Acres Planning Community that desire notification of pending

review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 32.12.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Lehigh Acres Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

OBJECTIVE 32.13: INTERGOVERNMENTAL COORDINATION. The Lehigh Acres Planning Community depends on agencies that are external to Lee County for certain services, such as the East County Water Control District, Lee County Health Department, Florida Governmental Utilities Authority; and Hendry County. Lee County will work with these organizations on matters under their jurisdiction.

POLICY 32.13.1: Explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. Coordinate “tax forgiveness” efforts with the School Board, Fire District, South Florida Water Management District and East County Water Control District.

POLICY 32.13.2: Lee County will work with Hendry County to coordinate trail connections at the counties’ boundaries in order to promote a regional trail system.

POLICY 32.13.3: Lee County will work with the Lehigh Acres Fire District to identify locations for new facilities that will assure adequate and uniform fire protection throughout the Lehigh Acres Planning Community.

POLICY 32.13.4: Lee County will work with the East County Water Control District to identify existing wetlands and opportunities for stormwater detention areas.

POLICY 32.13.5: Lee County will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities.

POLICY 32.13.6: Lee County will work with the Lee County Health Department to discourage the approval of septic tank variances and to address regulations that allow two septic systems on one small lot.

OBJECTIVE 32.14: OVERSIGHT AND COORDINATION BY LEE COUNTY. The Lehigh Acres Planning Community is entirely within unincorporated Lee County, as such Lee County can perform activities that will help guide and accommodate attractive development; plan for and construct capital improvements; and establish policies to concentrate development within appropriate areas and provide protection of natural features. These activities will help to assure that the Lehigh Acres Planning Community develops in a way that is consistent with its vision.

POLICY 32.14.1: Lee County will assist in establishing comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property for stormwater management purposes.

POLICY 32.14.2: Lee County will explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses.

POLICY 32.14.3: Lee County will use Tier 1 and Tier 2 as capital improvement priority areas for public facilities and services which are under the control of Lee County, and will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities.

POLICY 32.14.4: Lee County will not permit mine traffic from mines established in Hendry County to utilize Lee County maintained roads within the Lehigh Acres Planning Community as a primary access. Mines within Hendry County may establish secondary access points to Lee County maintained roads for emergency access purposes only.

POLICY 32.14.5: By the end of 2011, Lee County will complete the following activities:

- a. Amend the Land Development Code to incorporate land development and urban design standards for each of the specialized mixed use node sub-categories.
- b. Amend the Land Development Code to incorporate land development and urban design standards for Lee Boulevard and SR 82.
- c. Amend the Land Development Code to incorporate design and development standards for duplex and two-family attached structures within Lee County.
- d. Explore the establishment of a Land Swap Program, where parcels gained through the escheatment process in Tier 1 or Tier 2 could be swapped for undeveloped parcels in Tier 3.
- e. Define appropriate sending and receiving areas for a Transfer of Development Rights program.

AMENDMENTS TO OTHER ELEMENTS OF THE LEE PLAN

CHAPTER 5, PARKS, RECREATION AND OPEN SPACE

POLICY 84.1.2: Lee County will work with the East County Water Control District to establish a regional park at Harns Marsh.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: March 3, 2010

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Public Works Operations Manager, Planning *DML*

Date: February 23, 2010

Subject: **CPA 2008-07 (Lehigh Acres Community Plan)
Response to DCA ORC Report dated 1/15/10**

The above-referenced Objections, Recommendations and Comment (ORC) Report issued by the Florida Department of Community Affairs, in regards to CPA 2008-07 (the Lehigh Acres Community Plan), offered the following Objection and Recommendation (only partially reproduced to limit it to the transportation issues):

10. Objections (Transportation; and Intensity Standards)

The proposed FLUM amendment to Parcel Area 1 is not supported with data and analysis (based on the maximum development potential of the proposed land uses) addressing the potential impacts to transportation facilities for the short-term and long-term planning timeframes, the impacts upon the adopted level of service standards for the transportation facilities, and the coordination of any transportation facilities improvements that are needed to maintain the adopted level of service standards with the Capital Improvements Element (including the Five-Year Schedule of Capital Improvements and plan policies for long-term transportation strategies) and the Transportation Element (including the Future Transportation Map).

Recommendation: *Support the amendment to Parcel Area 1 with data and analysis addressing the potential impacts to transportation facilities for the short-term and long-term planning timeframes, the impacts upon the adopted level of service standards for the transportation facilities, and the coordination of any transportation facilities improvements that are needed to maintain the adopted level of service standards with the Capital Improvements Element and Transportation Element, including amendments to the Five-Year Schedule of Capital Improvements, Future Transportation Plan, and plan policies addressing long-term strategies for road improvements.*

The change for Parcel Area 1 in the Lehigh Acres Community Plan was a conversion of 158 acres in the "downtown" area around Lee Boulevard/Homestead Road from the Central Urban land use category to Intensive Development. The "downtown" area encompasses parts of Traffic Analysis Zones (TAZs) 1519 and 1526. Information provided by your Planning staff indicated that the change would allow a maximum of 3,549,525 square feet of non-residential uses.

The Lee County Department of Transportation converted the 3,549,525 square feet to 8,874 employees (2.5 employees/1000 square feet) and added them to the ZDATA2 input files for TAZs 1519 and 1526, and reran the FSUTMS travel demand model for the year 2030 financially feasible transportation plan. Based on that model run, we have determined that this amendment will not alter the future road network plans within a 3-mile radius of the downtown Lehigh area.

Based on the above results, there is no impact to the transportation facilities in the long-term planning time frame, and since this amendment is not a specific development plan but a long-term vision to correct some land use deficiencies for Lehigh Acres, there is no need to do a short-term planning analysis. No amendments to the Five-Year Schedule of Capital Improvements or the Future Transportation Plan are necessary based on the land use change to Parcel Area 1.

Please let me know if you need any additional information.

cc: Donna Marie Collins
Matt Noble

**PROPOSED
TABLE 1(b)
Year 2030 Allocations**

Future Land Use Classification		Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway	Iona/McGregor
Residential By Future Land Use Category	Intensive Development	1,367	0	0	0	20	0	27	0	250	0	0	0	0
	Central Urban	14,787	0	0	0	225	0	0	0	230	0	0	0	375
	Urban Community	18,425	520	485	0	637	0	0	0	0	0	0	0	850
	Suburban	16,623	0	0	0	1,810	0	0	0	85	0	0	0	2,488
	Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0	1,700	377
	Sub-Outlying Suburban	1,548	0	0	0	367	0	0	0	0	0	0	0	0
	Industrial Development	79	0	0	0	0	0	0	0	39	0	20	0	5
	Public Facilities	1	0	0	0	0	0	0	1	0	0	0	0	0
	University Community	850	0	0	0	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0	0	8
	Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	42	0	0	0	0	0	0	0	0	0	0	2	0
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	900	0	0	0	0	0	0	0	0	0	900	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	9	0	0	0	0	0	0	0	0	0	9	0	0
	Rural	8,313	1,948	0	0	1,400	636	0	0	0	0	0	1,500	0
Rural Community Preserve	3,100	0	0	0	0	0	0	0	0	0	0	0	0	
Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0	0	
Outer Islands	202	5	0	0	1	0	0	150	0	0	0	0	1	
Open Lands	2,805	250	0	0	0	590	0	0	0	0	0	120	0	
Density Reduction/Groundwater Resource	6,905	711	0	0	0	0	0	0	0	0	94	0	0	
Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0	0	
Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0	
Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Residential	81,373	3,464	485	0	4,500	1,250	29	651	604	0	1,023	3,322	4,104	
Commercial	12,763	57	52	0	400	50	17	125	150	0	1,100	440	1,100	
Industrial	6,620	26	3	0	400	5	26	0	300	0	3,100	10	320	
Non Regulatory Allocations														
Public	81,853	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500	2,416	3,550	
Active Agriculture	24,957	5,100	0	0	550	150	0	0	0	0	0	20	0	
Passive Agriculture	45,859	13,549	0	0	2,500	109	0	0	0	0	1,491	20	0	
Conservation (wetlands)	81,948	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809	1,719	9,306	
Vacant	21,802	1,953	0	0	226	931	34	0	45	0	300	20	975	
Total	357,175	33,463	1,572	0	11,718	12,731	259	4,340	2,197	0	17,323	7,967	19,355	
Population Distribution*	495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582	16,488	34,538	




* Population for Unincorporated Area of Lee County

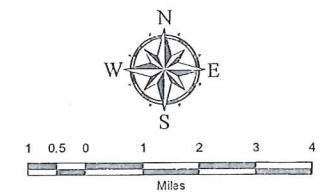
**PROPOSED
TABLE 1(b)
Year 2030 Allocations**

Future Land Use Classification	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres		Southeast Lee County	North Fort Myers	Buckingham		Estero	Bayshore
					Adopted	Proposed			Adopted	Proposed		
Intensive Development	0	0	660	3	0	42	0	365	0	0	0	0
Central Urban	17	0	3,140	0	8,200	8,200	0	2,600	0	0	0	0
Urban Community	1,000	0	860	500	13,269	13,013	0	0	51	110	450	0
Suburban	1,975	0	1,200	675	0	0	0	6,690	0	0	1,700	0
Outlying Suburban	0	0	0	600	0	0	0	382	0	0	454	0
Sub-Outlying Suburban	25	0	0	0	0	0	0	140	49	66	0	950
Industrial Development	5	0	10	0	0	0	0	0	0	0	0	0
Public Facilities	0	0	0	0	0	0	0	0	0	0	0	0
University Community	850	0	0	0	0	0	0	0	0	0	0	0
Destination Resort Mixed Use Water Dependent	0	0	0	0	0	0	0	0	0	0	0	0
Burnt Store Marina Village	0	0	0	0	0	0	0	0	0	0	0	0
Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
General Interchange	0	0	0	0	0	0	15	7	0	0	6	12
General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0
New Community	0	0	0	0	0	0	0	0	0	0	0	0
Airport	0	0	0	0	0	0	0	0	0	0	0	0
Tradeport	0	0	0	0	0	0	0	0	0	0	0	0
Rural	90	0	0	190	14	14	0	500	57	50	635	1,350
Rural Community Preserve	0	0	0	0	0	0	0	0	3,046	3,100	0	0
Coastal Rural	0	0	0	1,300	0	0	0	0	0	0	0	0
Outer Islands	0	0	0	45	0	0	0	0	0	0	0	0
Open Lands	0	0	0	0	0	0	0	45	0	0	0	1,800
Density Reduction/Groundwater Resource	0	0	0	0	0	0	4,000	0	0	0	0	2,100
Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0
Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential	3,962	0	5,870	3,313	21,483	21,269	4,015	10,729	3,203	3,326	3,245	6,212
Commercial	1,944	0	2,100	226	1,420	1,420	38	1,687	48	18	1,700	139
Industrial	450	0	900	64	300	300	65	554	5	5	87	5
Non Regulatory Allocations												
Public	2,660	0	3,500	2,100	15,000	15,289	12,000	4,000	2,114	1,486	7,000	1,500
Active Agriculture	0	0	0	2,400	0	0	15,101	200	411	411	125	900
Passive Agriculture	0	0	0	815	0	0	18,000	1,556	3,619	3,619	200	4,000
Conservation (wetlands)	2,798	0	188	14,767	1,496	1,541	31,530	1,317	381	336	5,068	882
Vacant	244	0	309	3,781	7,377	8,085	500	2,060	1,278	1,000	809	530
Total	12,058	0	12,867	27,466	47,076	47,904	81,249	22,103	11,029	10,201	18,234	14,168
Population Distribution*	36,963	0	58,363	13,265	464,702	164,699	1,270	70,659	6,114	6,117	25,395	8,410

* Population for Unincorporated Area of Lee County

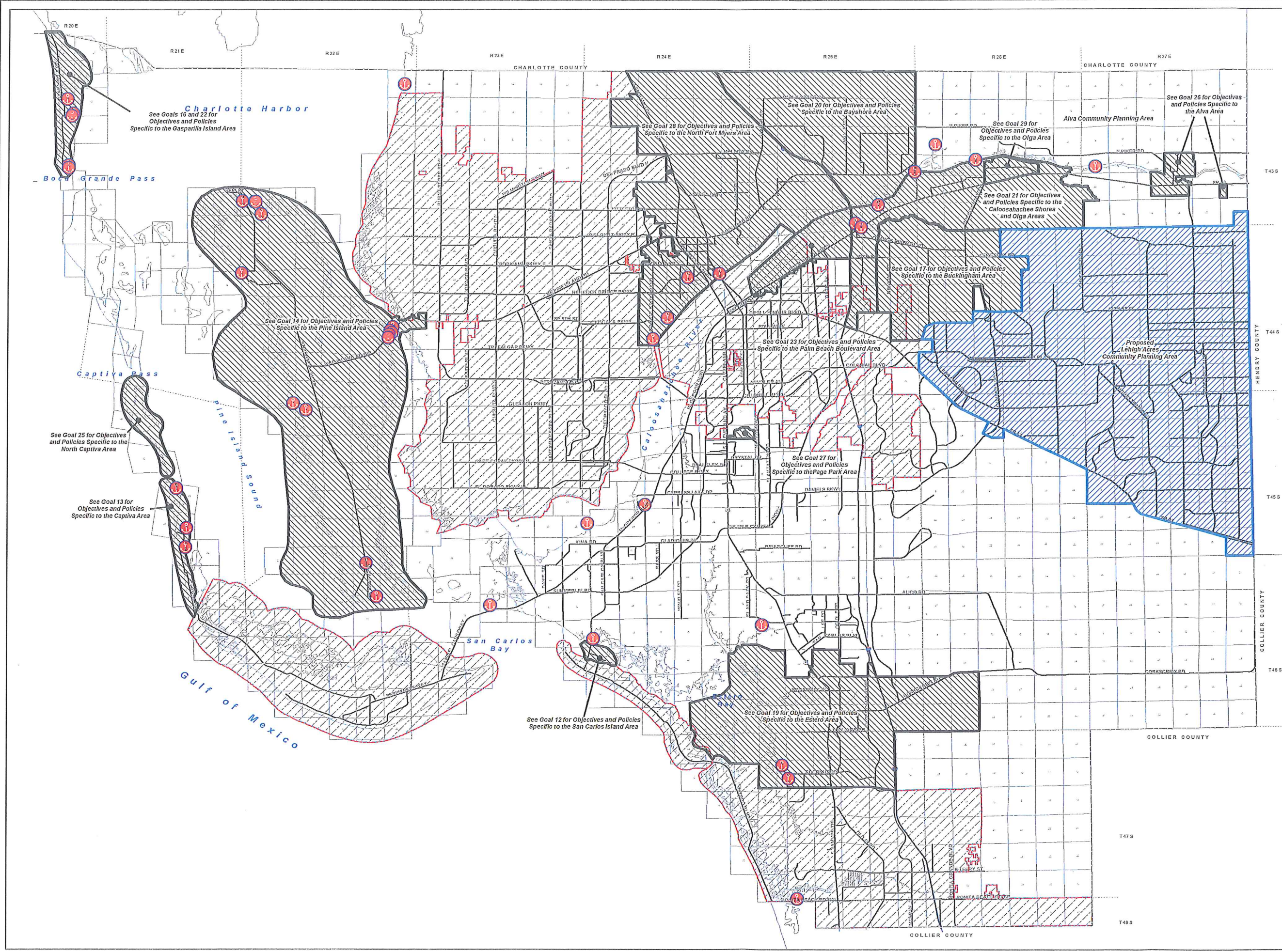
CPA2008-00007 SPECIAL TREATMENT AREAS PROPOSED

- Legend**
-  Proposed Lehigh Community Plan
 -  Existing Community Planning Areas
 -  Water Dependent Overlay
 -  City Limits



Map Generated: January 2010
 City Limits current to date of map generation

Last Amended: May
 Amended by Ordinance No.
 02-02, 03-01, 03-02, 03-04, 03-21, 07-09,
 08-05, 09-07, 09-08, 09-09, 09-10, 09-11

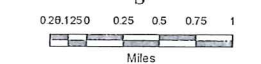
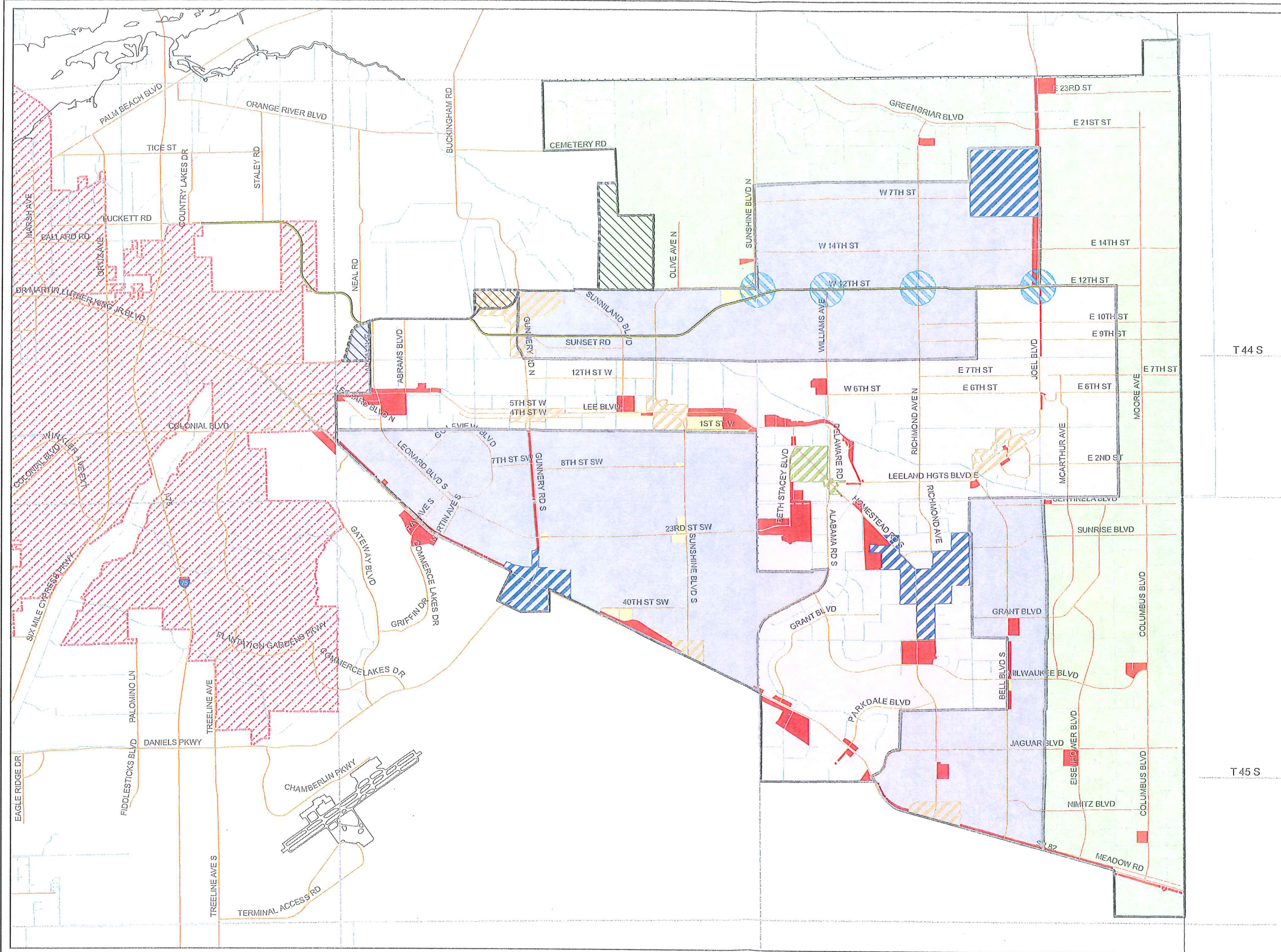


SPECIAL TREATMENT AREAS

Lehigh Acres Community Plan Overlays

Legend

- Specialized Mixed Use Nodes**
- Downtown
 - Community Mixed Use Activity Center
 - Neighborhood Mixed Use Activity Center
 - Future Community Mixed Use Activity Center
- Commercial Overlay Zones**
- Commercial
 - Lot Assembly
- Lehigh Acres Tiers**
- Tier 1
 - Tier 2
 - Tier 3
- Additional Information**
- Proposed Addition to LAPC
 - Lehigh Acres Planning Community
 - Proposed Lockett Road Alignment
 - Major Roads
 - Canals
 - City Limits



Map Generated: February 2010
 City Limits current to date of map generation

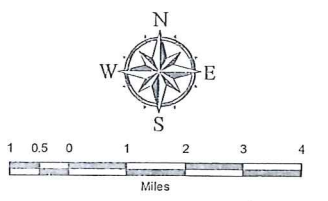
Adoption Date: _____
 Effective Date: _____
 Adopted by Ordinance No. _____

**CPA2008-00007
LEE COUNTY
PLANNING
COMMUNITIES
PROPOSED
Year 2030
Planning Communities**

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham*
- 21. Estero*
- 22. Bayshore*

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

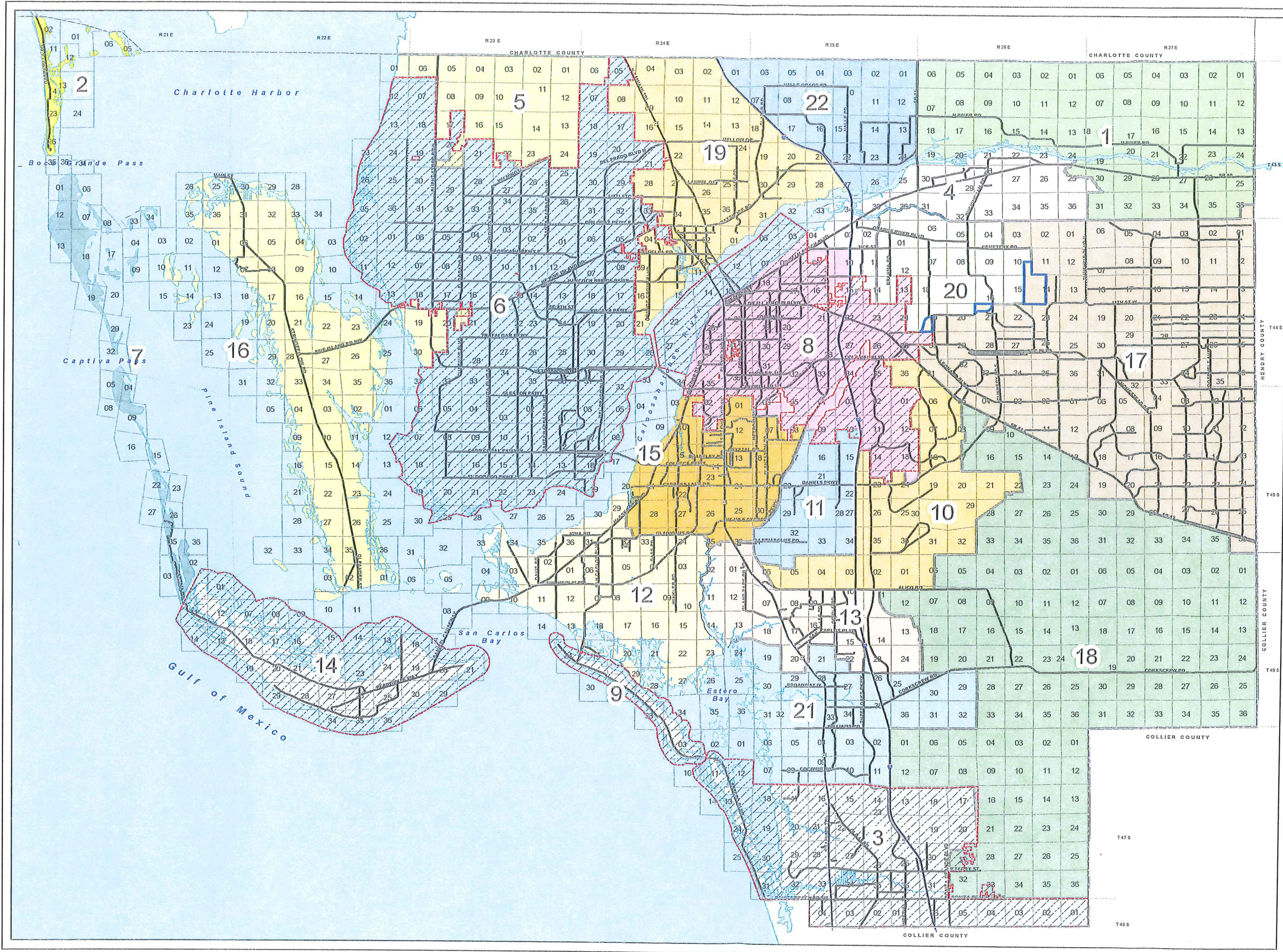
The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

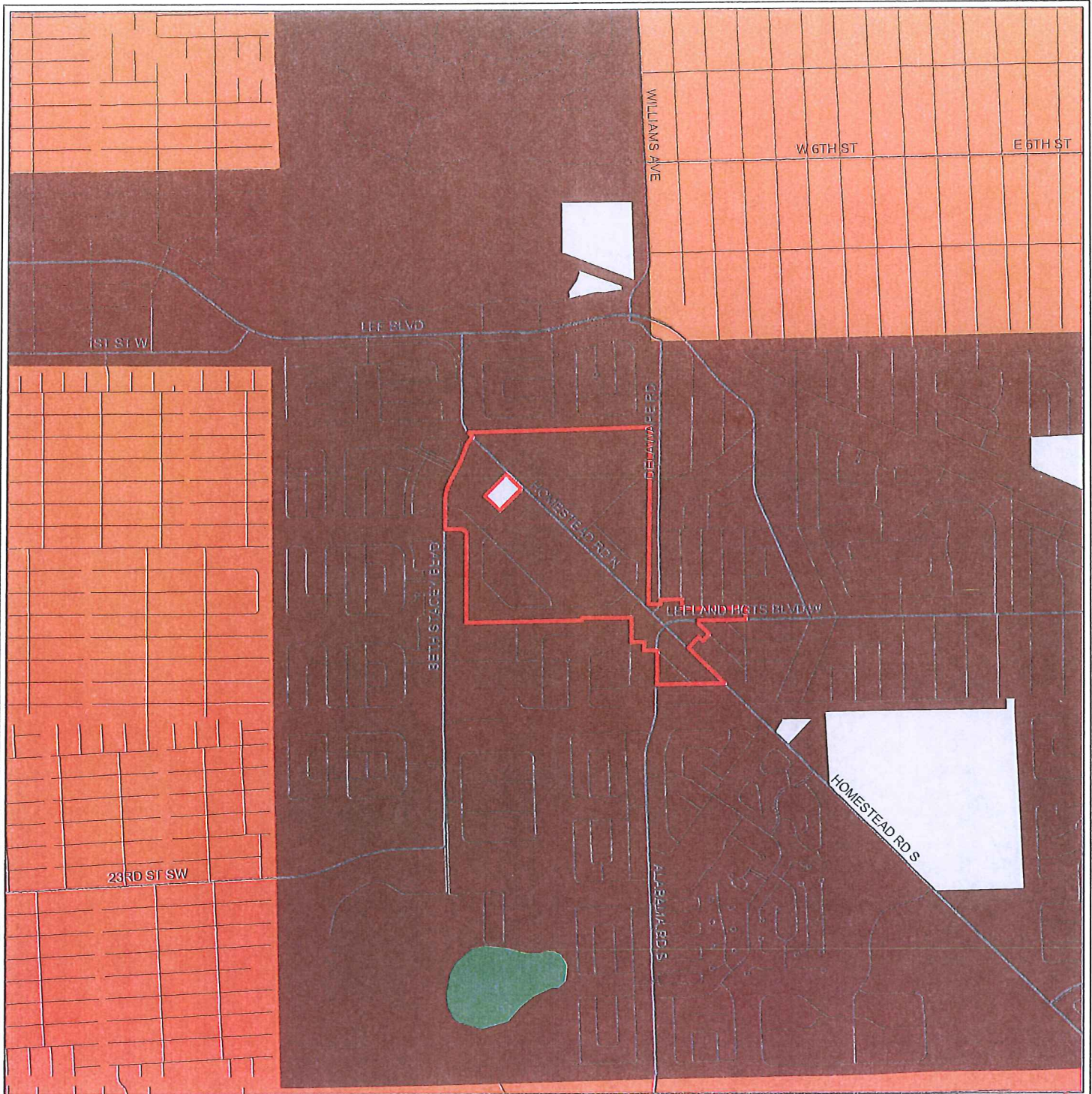


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Adopted by Ordinance No. 98-09
Amended by Ordinance No. 02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

PROPOSED
Lee Plan Map 16





LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

600 300 0 600 1,200 1,800 2,400
Feet

Map Generated June 2009

FUTURE URBAN AREAS

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial Development
- Public Facilities
- University Community
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- Destination Resort Mixed Use Water Dependent

INTERCHANGE AREAS

- Industrial Interchange
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- General Commercial Interchange
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- University Village Interchange

NEW COMMUNITY

- New Community

AIRPORT AREAS

- Tradeport
- Airport

NON-URBAN AREAS

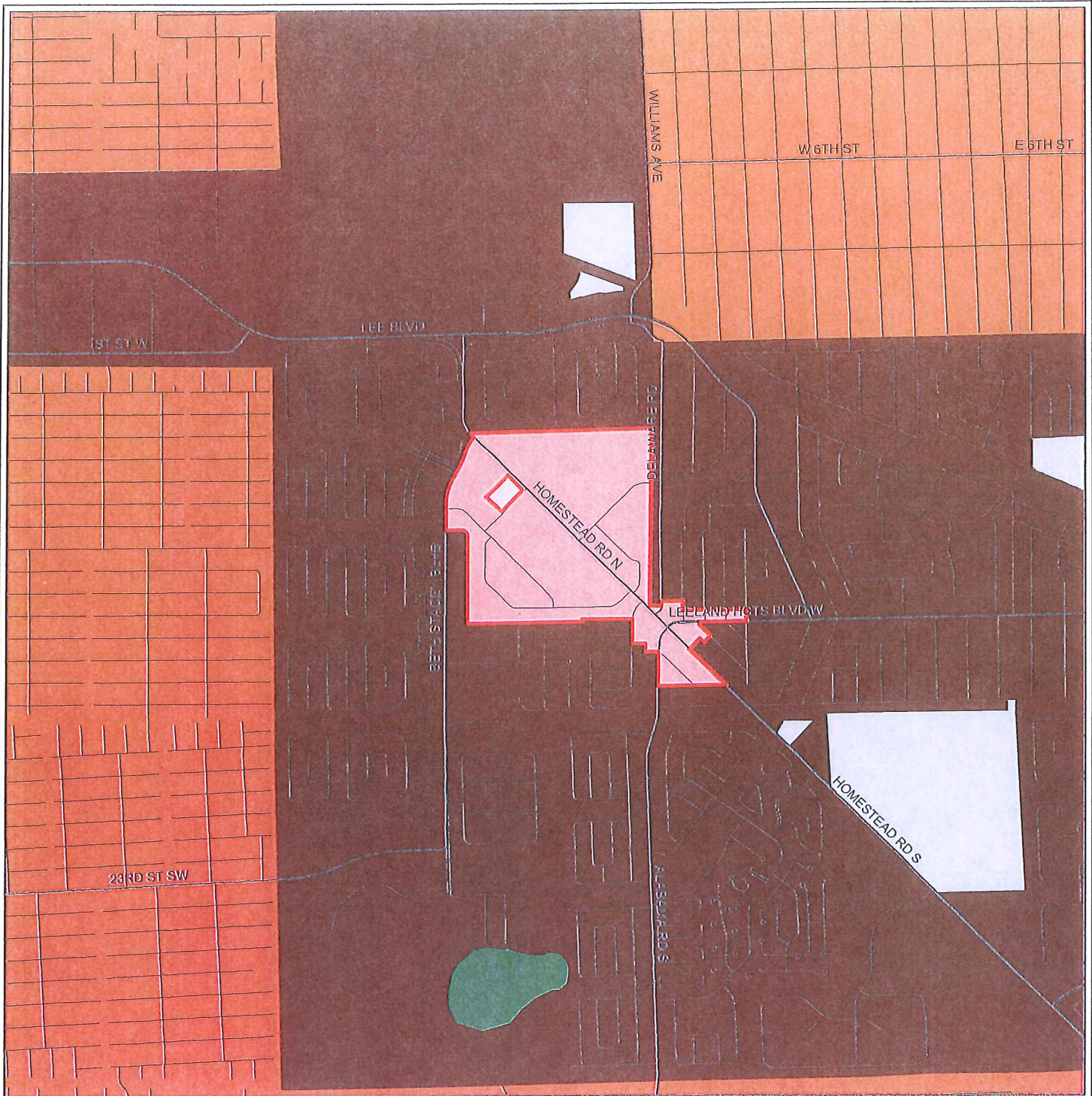
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands Upland

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands
- Conservation Lands Wetland

Subject Property

**CPA2008-00007 - LEHIGH ACRES COMMUNITY PLAN
EXISTING FUTURE LAND USE MAP**



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

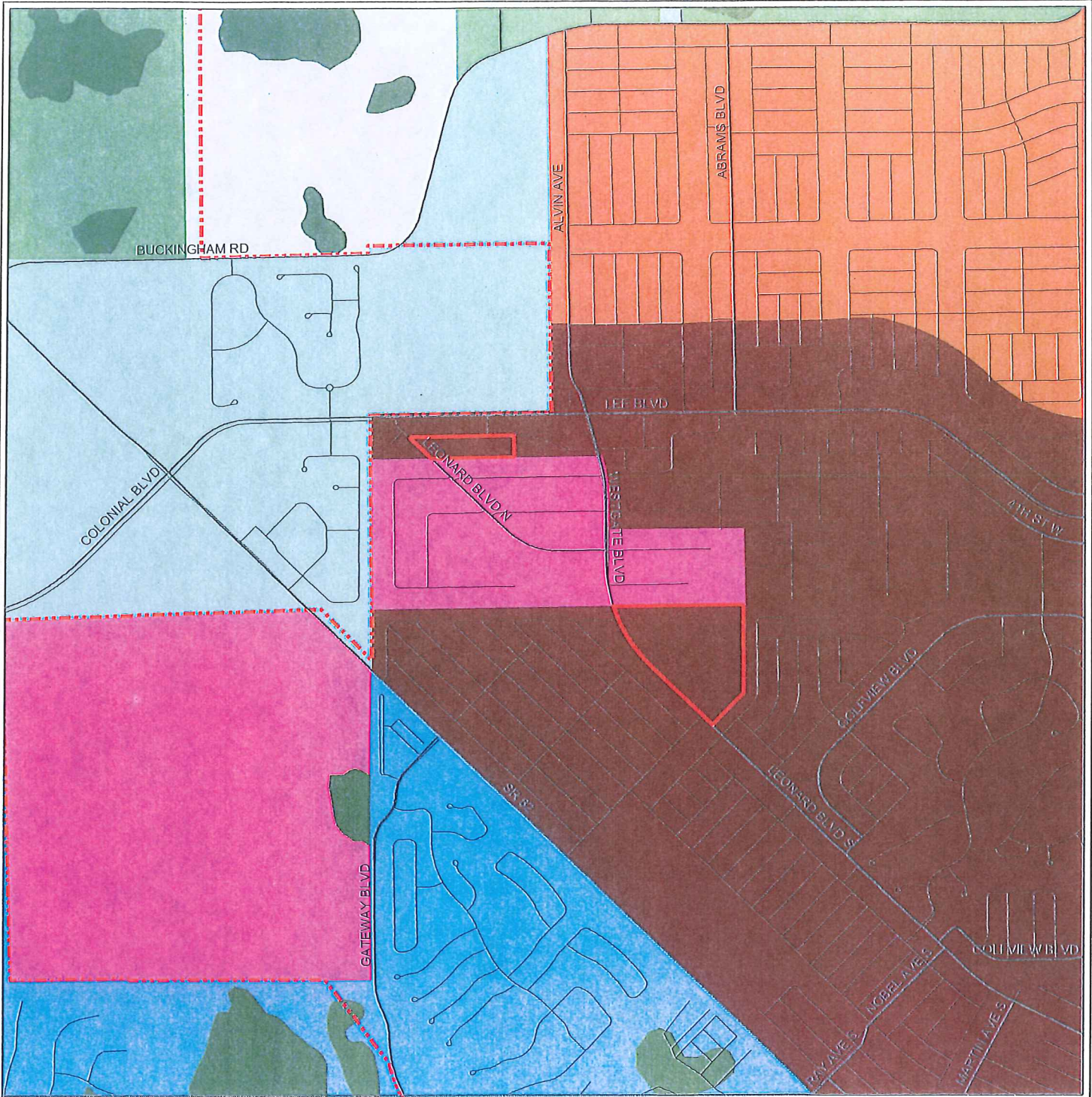
Map Generated June 2009

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**CPA2008-00007 - LEHIGH ACRES COMMUNITY PLAN
PROPOSED FUTURE LAND USE MAP**



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated June 2009

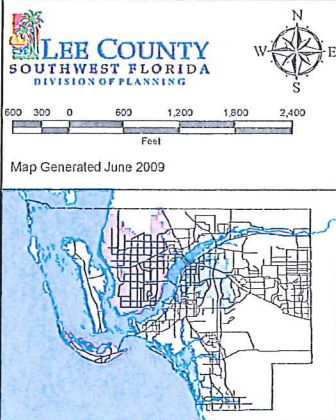
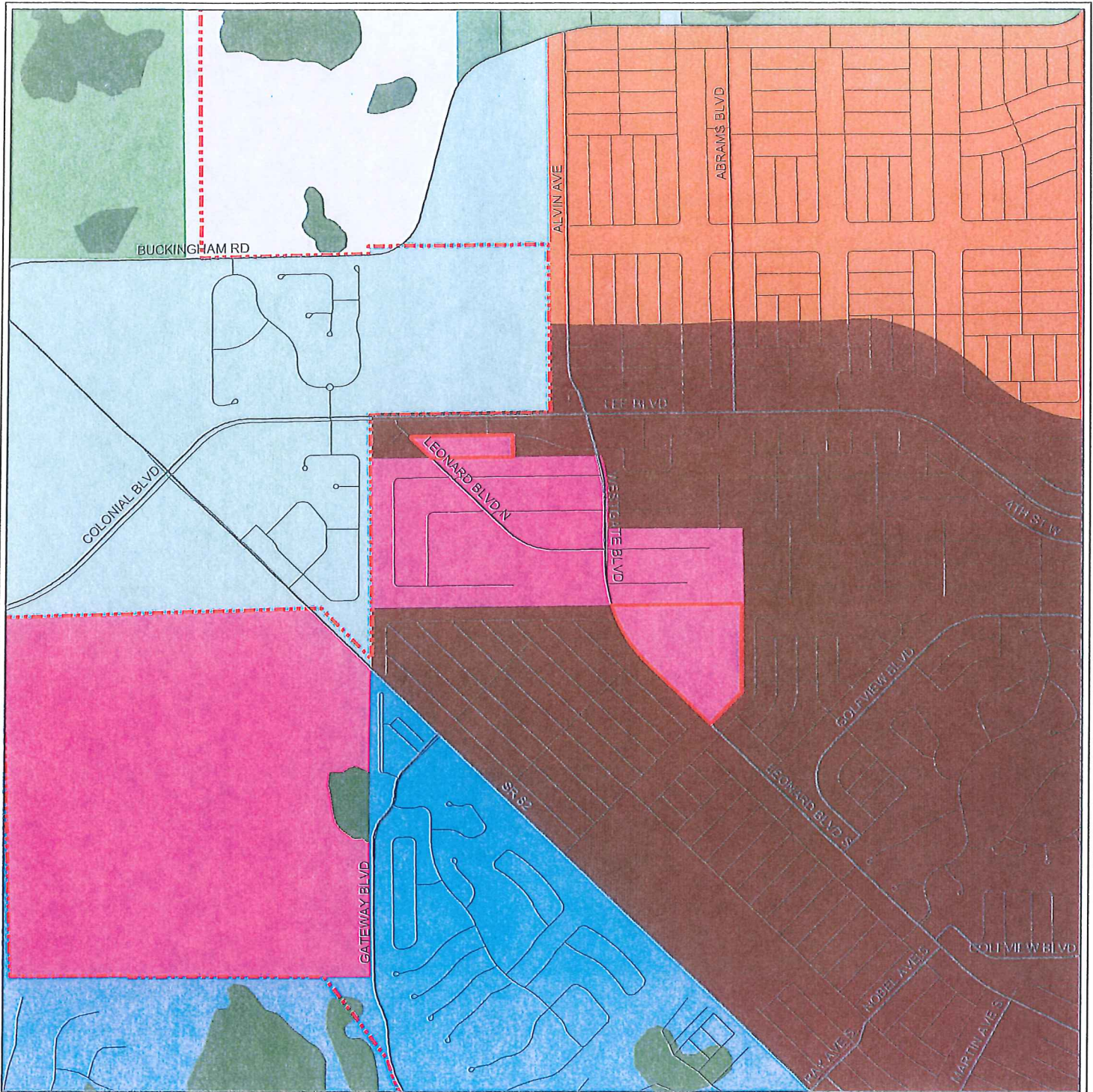
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LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING



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Map Generated June 2009



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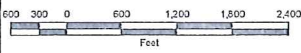
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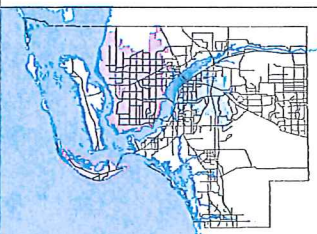
**CPA2008-00007 - LEHIGH ACRES COMMUNITY PLAN
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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated June 2009



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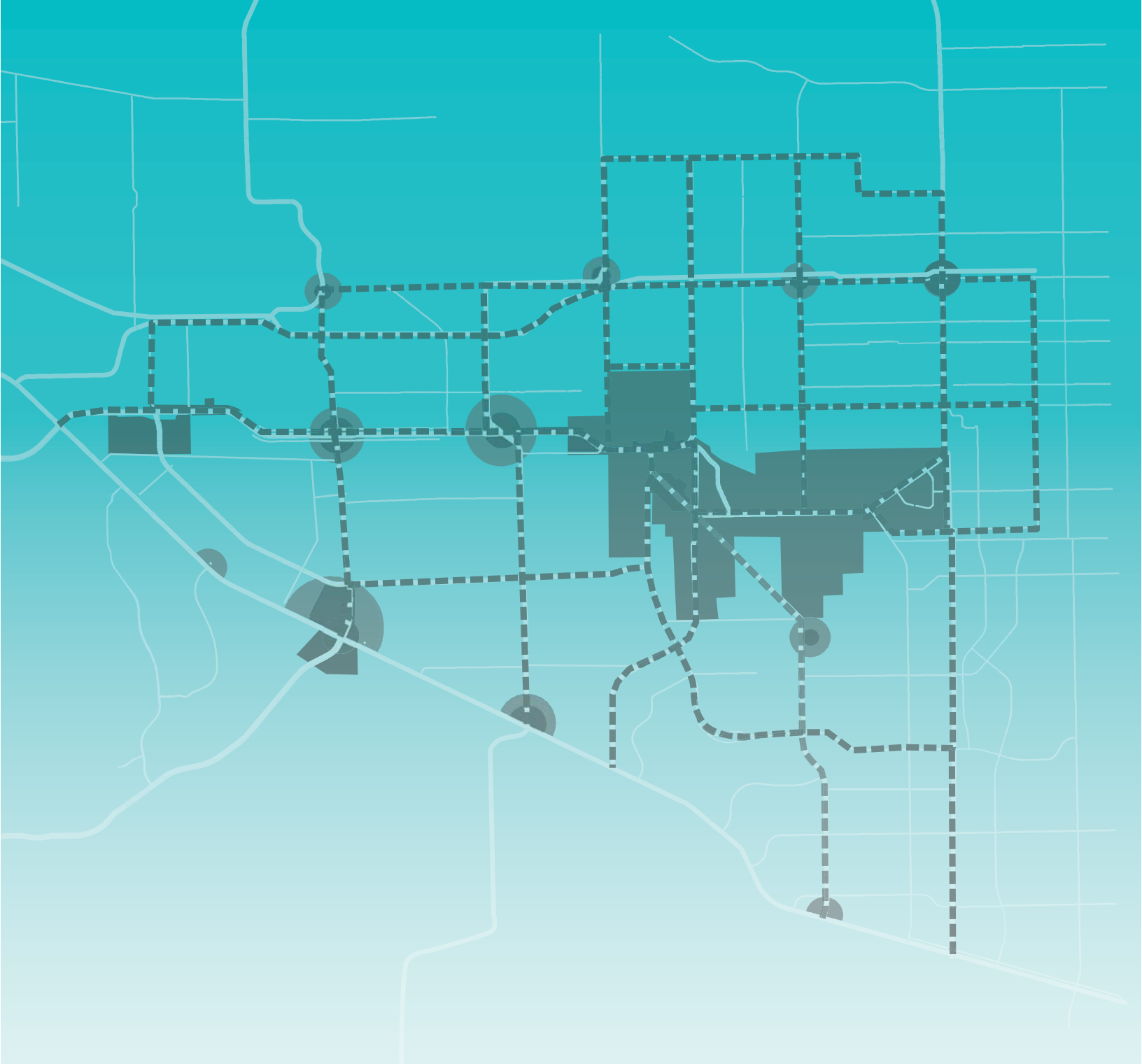
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**CPA2008-00007 - LEHIGH ACRES COMMUNITY PLAN
PROPOSED FUTURE LAND USE MAP**



LEHIGH ACRES COMPREHENSIVE PLANNING STUDY

Submitted to
Lee County
Community Development Department

Prepared by
Wallace Roberts & Todd, LLC

Final - March 2009

LEHIGH ACRES COMPREHENSIVE PLANNING STUDY

January 2009

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This plan is the product of a three-year-long effort by many individuals and organizations who provided valuable input and direction, and took time out of busy schedules to attend numerous presentations, meetings, and workshops:

The Lee County Board of County Commissioners

Lehigh Acres Community Planning Corporation, Inc.

Local neighborhood, business, institutional, governmental, and civic representatives, and the residents of Lehigh Acres

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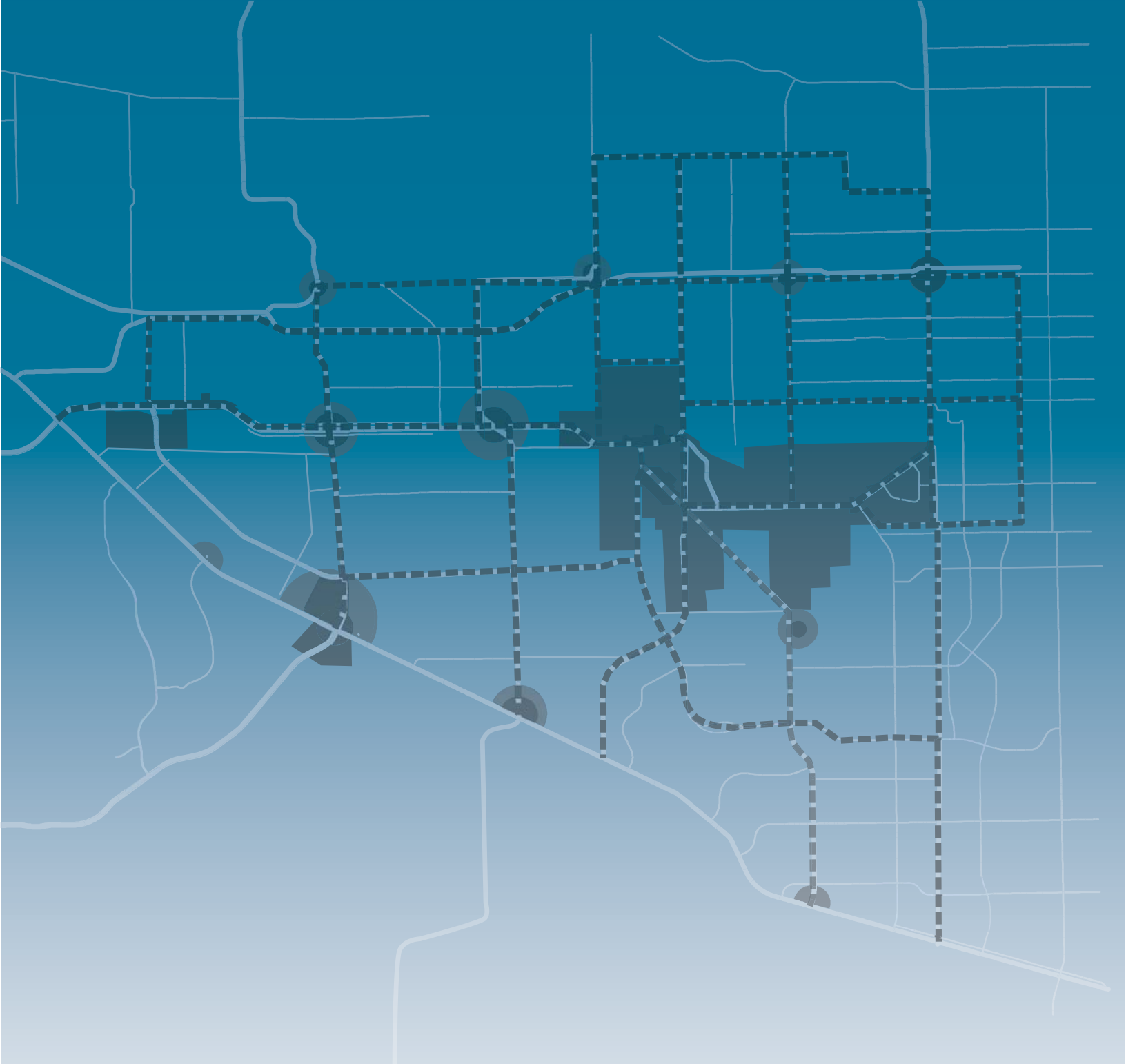
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SECTION I

PLAN FRAMEWORK

I.1 Introduction

The 1950s and 1960s were the boon of the “platted lands” era in the United States. Large tracts of land were purchased cheaply in remote locations, often by investors with no prior development experience or an understanding of sound planning practices, then platted into small lots and sold (often sight unseen) on installment plans to buyers all over the world. Purchasers often defaulted on their payments and lost their investment, but the developers resold the lots easily. Because the developers’ primary motivation was to maximize return on their expenditure by carving out and selling as many lots as possible, little or no land was set aside within these massive subdivisions for commercial areas, employment centers, or public facilities.

At the peak of that era, hundreds of companies in Florida, California, Arizona, and other states, were involved in this activity. Today, the original development companies are mostly gone, but dozens of large-scale, antiquated subdivisions remain in the United States. Most live on as vast bedroom communities with deficient roadway networks, and inadequate provision of parks, schools, and community-serving retail.

Florida has some 150 such subdivisions (Figure 1); Lehigh Acres, located in the northeast quadrant of Lee County (Figure 2), qualifies as one of the largest in the country. Remote and isolated from the County’s urbanized area, for decades this 96-square mile subdivision developed at a slow pace, deferring the need for immediate solutions to the problems foretold by fundamental flaws in layout, design, and character. However, its very remoteness, together with the lack of infrastructure investment, kept the land values low enough to make the area comparatively affordable and attractive to the County’s working families. As a result, in the late 1990s and early 2000s, residential development accelerated (while remaining scattered over the large land area), with the volume of traffic in and out of Lehigh Acres mushrooming and crime and emergency response times becoming a problem due to the isolation of many of the homes and the discontinuity in the road network. As growth is expected to continue, the absence of the facilities and infrastructure to support that growth means that Lehigh Acres will reach a crisis point sooner or later.

To respond to this challenge, Lee County, working with Wallace Roberts & Todd, LLC (WRT) and a team of subconsultants, launched a process to prepare a new community plan for the long-term development of Lehigh Acres. The plan is an effort to identify actions and tools that will allow the County to alleviate the present problems experienced by Lehigh Acres, and, over time, to make the community more sustainable and more self-sustaining. This report documents the findings of the planning process and the recommendations of the WRT Team.

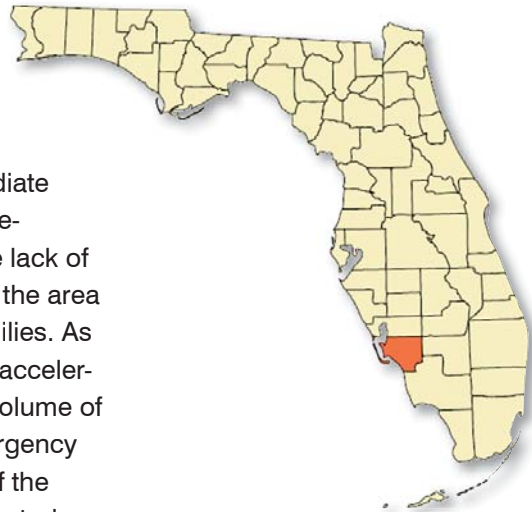


Figure 1: Location of Lee County in Florida

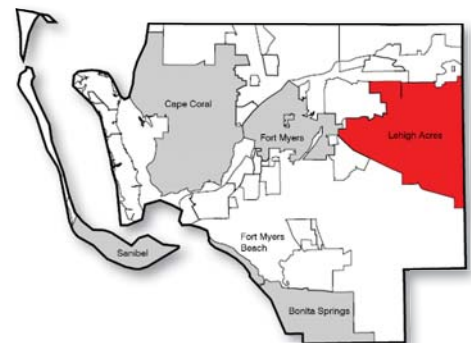


Figure 2: Location of Lehigh Acres in Lee County

I.2 Study Area

The study area boundaries for the Lehigh Acres Comprehensive Planning Study coincide with those established in the Lee County Comprehensive Plan (the Lee Plan) as the boundaries of the Lehigh Acres Planning Community. The Lehigh Acres Planning Community comprises the original Lehigh Acres development, located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. Retaining the present boundaries for planning purposes will help facilitate integration of this study into the framework of the Lee Plan. (Figure 3)

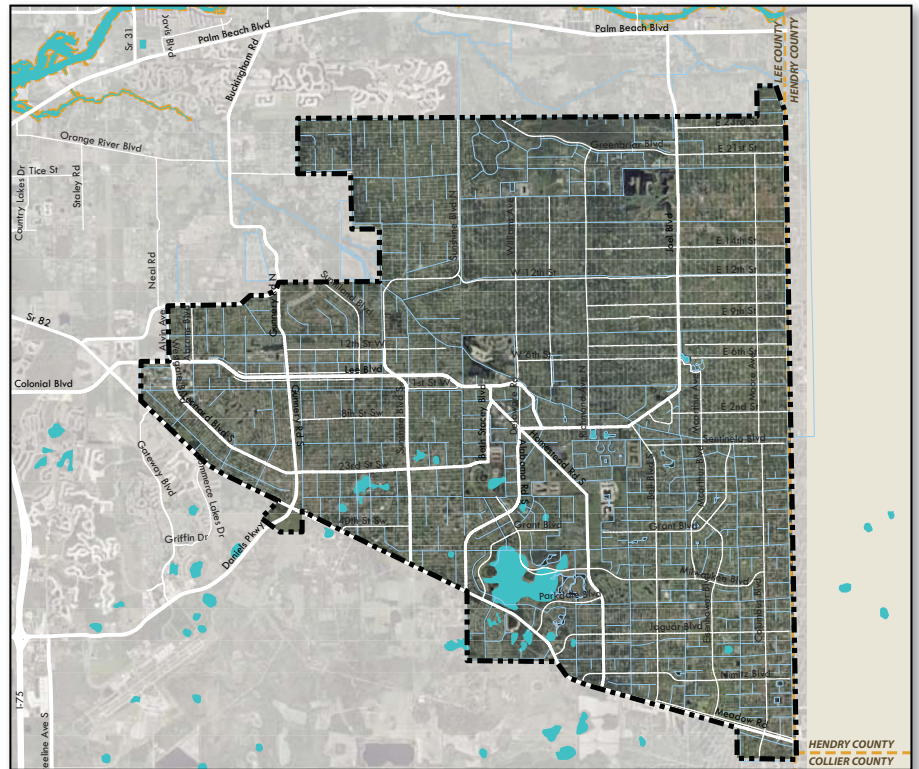


Figure 3: Lehigh Acres Study Area

Source: WRT based on Lee County GIS

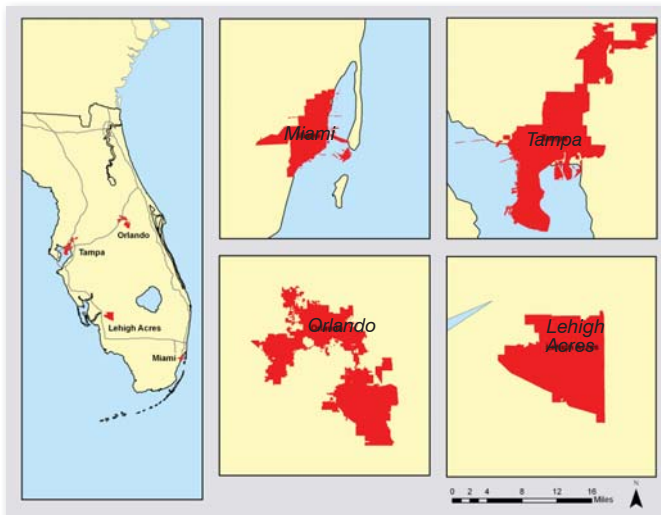


Figure 4: Scale comparison

Source: ESRI GIS database

Lehigh Acres is the second largest community in the County by land area (second to Cape Coral). Lehigh Acres covers 61,372 acres (approx. 96 square miles), or about 8 percent of the total land in Lee County, but it is home to less than 75,000 people—less than 12 percent of the County’s population. By comparison, the City of Miami, with over 400,000 people as of 2006, covers only 55 square miles and the City of Orlando, with some 202,000 people, has a land area of 101 square miles. (Figure 4)

Lehigh Acres abuts the County's planning communities of Alva and Fort Myers Shores to the north, and Buckingham and incorporated Fort Myers to the west. The Gateway/Airport and Southeast Lee County's critical Density Reduction/Groundwater Recharge areas are located to the south (Figure 5).

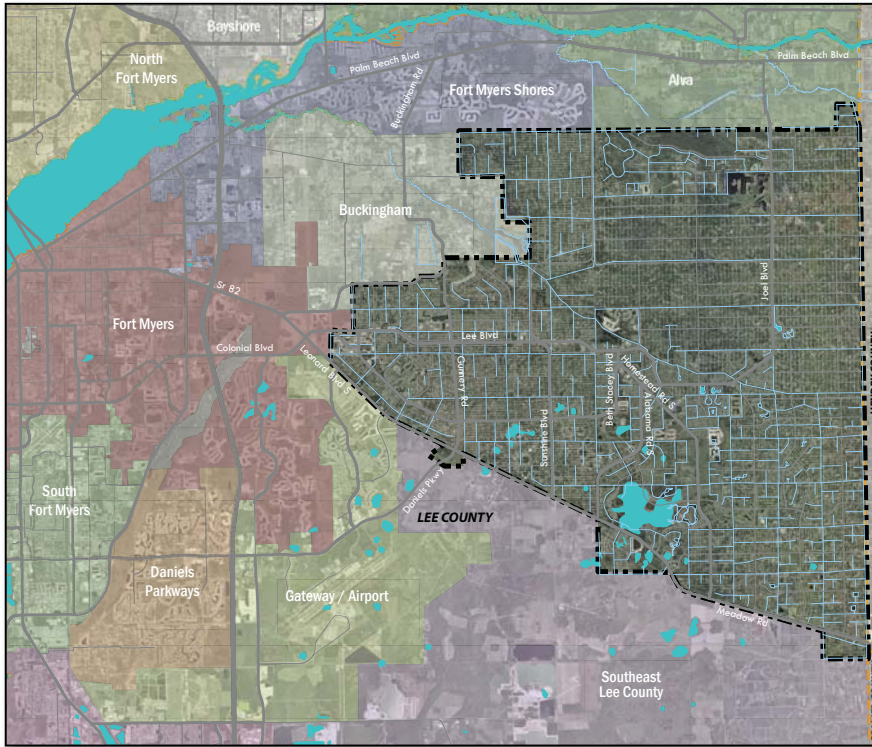


Figure 5: Context

Source: WRT based on Lee County GIS

I.3 Project Purpose

The overarching purpose of this study is to develop a proactive, comprehensive and strategic program of action to address land development, redevelopment, infrastructure and service issues so that Lehigh Acres can become a more balanced, and sustainable community.

Preparing a plan that meets the requirements for sustainability, given the challenges and limitations facing Lehigh Acres and the current fiscal climate in Florida, is not an easy task. However, four critical components, identified during the planning process are necessary to make the plan successful.

These are:

1. A practical physical plan.
2. Prioritized actions and programs.
3. Necessary regulatory tools and financial resources.
4. A public and political commitment to implement the plan.

I.4 Planning Process

This document was prepared over a two-year period as part of a process that included five phases of work. (Figure 6)

The purpose of the first phase, Project Parameters, was to reach a common and practical understanding of the issues that could frame the range of possible solutions in subsequent phases of the planning process. Through the work conducted in this phase, the planning team sought to “get a grip” on the exact nature of the challenge of creating a plan for Lehigh Acres. The product of this phase was a framework of factors and considerations, parameters and opportunities, which served as the context for the development of the plan in the subsequent phases.

The second and third phases of work—Existing Conditions and Trends and Vision for the Future, respectively—were conducted along parallel tracks. In the second phase, WRT compiled and analyzed existing legal/regulatory, physical, functional, demographic, and economic conditions and trends, which served to identify and evaluate opportunities and constraints in the study area. At the same time, the consultant conducted a series of interactive forums with the residents of Lehigh Acres to solicit input on the community’s values and expectations for quality of life and development and design character. This input served to prepare a Vision Statement that expresses “what we want Lehigh Acres to be like in the future.” Together, the products of these two phases present a stark contrast between the likely future if no action is taken to change the current situation, and the collective future that the community aspires to attain.



Figure 6: Planning Process

In Phase Four, Alternative Concepts and Scenarios, a series of concepts and development/redevelopment scenarios were developed and depicted graphically. These concepts and scenarios emphasized growth and development patterns at an areawide scale, but they also identified specific sectors, corridors and prospective redevelopment areas for more detailed study, which may follow adoption of the Lehigh Acres Plan. Key variables explored included: land use and development patterns, development phasing and timing, potential siting, scale and character of commercial activity centers, potential siting of public facilities, and roadway network improvements. From this exploration of variables, a “preferred” concept emerged based on degree of alignment with the Vision Statement and degree of feasibility.

Phase Five, Plan Document, compiles all the relevant facets and products of the previous four phases into this document, and represents the culmination of the process leading up to public review and, eventually, adoption and implementation of the plan recommendations.

I.5 Public Involvement

Multiple opportunities for public involvement were provided during the two years of the planning process. All meetings were extensively advertised through the local newspapers and posted on the County website. The Plan’s public involvement activities were also announced at meetings of the Lehigh Acres Community Planning Corporation (LACPC)—the community-based organization who steered the process and who, working with Lee County staff, served as the interface between the Consultant and the larger Lehigh Acres community—and posted on the LACPC website. Newspaper coverage typically followed each of the activities. Interim and final products of each phase, as well as corresponding presentation materials, were made available on both the County and the LACPC websites.



Documents and presentations were made available to the community on the Lee County and the LACPC websites

In September of 2006, the project kicked off in Lehigh Acres with a series of community stakeholder meetings, including a total of twenty-two (22) individuals representing nine (9) different governmental entities, community organizations, and private enterprises. The interviews were conducted over a two-day period, and their purpose was to give the Consultant team an overview of local issues, conditions, opinions and perceptions, as well as to familiarize them with those groups and individuals who may have an

influence in the community. Also as part of the kick-off, the Consultant team made an introductory presentation to and conducted an interactive pre-visioning exercise with the LACPC. The pre-visioning exercise helped to gauge the LACPC's expectations for the planning process, and their perception of the impediments that would be encountered in achieving success. This meeting was well attended by Lehigh Acres residents (approximately 50 attendees), and the Consultants, LACPC, and County staff all received and answered many questions.

On March 21st, March 22, and April 28, 2007, the Consultant team conducted four (4) community visioning sessions, which were attended by approximately 136 persons. At each one of the meetings, the participants were assigned to small groups after an initial plenary presentation. Members of the LACPC board and County staff assisted by serving as small group facilitators and scribes. The input recorded at each of the seventeen (17) small group discussions was tabulated and summarized by the Consultant in order to identify themes and consensus ideas. These, in turn, were used as the basis for creating a draft Vision Statement for the long-term future of Lehigh Acres.



Facilitated discussions, interactive presentations, and other techniques were used to engage the community

The draft Vision Statement was presented to Lehigh Acres residents at a public forum on June 25th, 2007. Approximately thirty-five (35) persons attended this session. Modifications were subsequently made to the draft Vision based on comments and questions recorded at the meeting.

On August 21, 2007, the Consultants made an informational presentation to the Lee County Board of County Commissioners Management and Planning Committee. The findings of the Framework for Plan Development, a summary of the Existing Conditions and Trends Analysis, and the Vision Statement were presented, together with a series of eight (8) recommended strategic directions to address the key issues. While no formal action is taken at the Management & Planning Committee meetings, the Commissioners expressed support for the strategic directions and urged the Consultant move forward with the preparation of the plan. With this feedback, together with comments subsequently received from the Staff, Lehigh Acres residents, and the LACPC, the Consultant proceeded with the preparation of community-wide conceptual alternatives as well as more detailed prototypes that were "tested" for viability on a site-specific basis.

During this phase of the process, the Consultant also made an informal presentation to the Lehigh Acres Chamber of Commerce on the status of the plan. Approximately fifty (50) individuals, representing Chamber member businesses and organizations, were in attendance at this lunch meeting, which took place on September 23, 2008.

On January 30, 2008, the alternative concepts were presented to the LACPC in a workshop forum. Subsequently, on February 9, 2008, an all-day community open house was held at the Faith Lutheran Church. The Consultants and LACPC members presented the concepts in a morning and afternoon sessions, and remained on premises with large boards of the concepts to talk to and answer questions from residents throughout the day. In total, approximately 40 persons came to the open house. From the feedback received at this open house, plus County staff comments and the Consultant's own evaluation, a "preferred concept" was developed.

A rough draft of the plan document was submitted to County staff in August of 2008 for preliminary review. The draft plan concepts and recommendations were presented to the Lehigh Acres community on October 30, 2008, to positive reaction. Approximately 40 residents attended this public presentation.

A summary presentation of the draft plan was also made to the Board of County Commissioners Management and Planning Committee on December 1, 2008. A final draft of the plan document, incorporating comments from the Board, the Staff, and Lehigh Acres residents, was submitted to the Community Development Department on December 15, 2008. One additional presentation to the Lehigh Acres community and the LACPC is scheduled for January 2009.

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11/12/2008

Lehigh Acres community plan outlined
Advocates push Lee to approve proposal

By Don Ruane
druane@lehighnewsstar.com

Keep the heat on the county commissioners to make a success out of a plan outlining broad concepts for developing Lehigh Acres over the next 20 years, a leading proponent of the plan said.

"It's up to us to get to the county commissioners to make this happen," said Lehigh Acres Community Planning Corporation chairman (Bo Turbeville. "The only way is to keep it in front of the commissioners every day."

The plan must be approved by the commission and by state planners before it can become part of the county's comprehensive land use plan in 2009. Once in the plan it will provide the basics for developing Lehigh Acres as it builds out and reaches a population of up to 193,000 people in 2030.

The \$550,000 plan includes a vision of a safe community with commercial centers at major intersections, landscaped parkways, parks and open spaces. It recommends improving streets and adding utilities in areas where most people live now and extending the services later into less populated areas. Lee County's transportation planners already apply the tier concept to their decisions about which road segments to resurface each year.

Building standards are suggested to encourage attractive commercial and residential development and incentives to attract development that will provide employment for residents.

"We're talking about planning a city," said planning consultant Alyn Pruett of Wallace Roberts & Todd. "A city primarily is made up of neighborhoods."

Neighborhoods should have a lot going on, good transportation and distinct architecture, Pruett said.

Turbeville said he would put contact information for county commissioners and state lawmakers on the LACPC Web site.

The site's address is: www.lehighacresplanning.com

"We need to contact every one of our legislators daily," Turbeville said.

The LACPC worked closely with planning consultants from Wallace Roberts & Todd to draft the plan, which will be presented Dec. 1 to the Lee County Commission.

Planners presented the concepts to about 80 people at a public forum last Thursday at Lehigh Senior High School.

Cleaning up the community, making it safer and finding the money to pay for millions of dollars worth of new parks, utilities, streets and other changes were on the minds of the audience. Some wanted action now to implement parts of the plan.

Albert Alecknavage wanted swifter action on duplex issues. He lives in the single-family Westminister development, which is bordered by duplexes and has been identified by the Lee County Sheriff's Office as a high crime area. A task force of trained Westminister residents also has reported hundreds of code enforcement violations in the area.

<http://www.news-press.com/apps/pbcs.dll/article?AID=20081105NEWS010381105032...> 11/12/2008

WBBH-HD JOHN MARAZZI PRE-OWNED NISSAN 18 ACRES OF PRE-OWNED VEHICLES ALL WITH A Nationwide Lifetime Warranty

TRAFFIC ALERT: I 75 LANE OF I 75 CLOSED AT BAYSHORE ROAD DUE TO VEHICLE FIRE

Milestone reached in Lehigh beautification project
Originally posted on Monday, December 01, 2008 by Kate Eckman
Last updated on: 12/1/2008 6:02:21 PM

LEHIGH ACRES: Local leaders gave overwhelming support for future development plans in Lehigh Acres Monday night, plans aimed at improving the look of the east Lee County community.

Consultants unveiled their long-awaited development plan for what kind of community Lehigh Acres should aspire to become.

The plan, which was born in the Lehigh community by the Lehigh community, was met by very receptive county commissioners.

In fact, commissioners are calling the plan an important milestone for Lehigh Acres.

"I think it's wonderful," said Lee County Commissioner Tammy Hall.

"How, it's encouraging," Lee County Commissioner Ray Judah said.

"I'm very pleased with the product so far, and my hat goes off to the Lehigh Planning Corporation," added Commissioner Frank March.

Consultants from Wallace, Roberts and Todd teamed up with the Lehigh Acres Community Planning Corp. - a group of neighbors developing a plan to make Lehigh a more livable and desirable community.

"This plan is a reflection of what the citizens themselves told us about how they envision their future for themselves and their children," said John Frenster of Wallace, Roberts and Todd.

That 'reflector' involves a community with commercial development, schools, and improved roadways for greater traffic circulation.

"Just getting people imagining - gosh it can go from looking like this to looking like that. And it gets people excited," Frenster said.

We asked Frenster where the money to beautify Lehigh will come from.

He said, "There's no easy answer to that. We are going to have to look into being really resourceful."

"I think people have a lot of work ahead of them. Don't be discouraged because Lee County is 100-percent behind the people of Lehigh and we are going to work together to make it a reality," added Hall.

The consultants will be with the Lehigh Planning Corp in the coming months to develop their final plan.

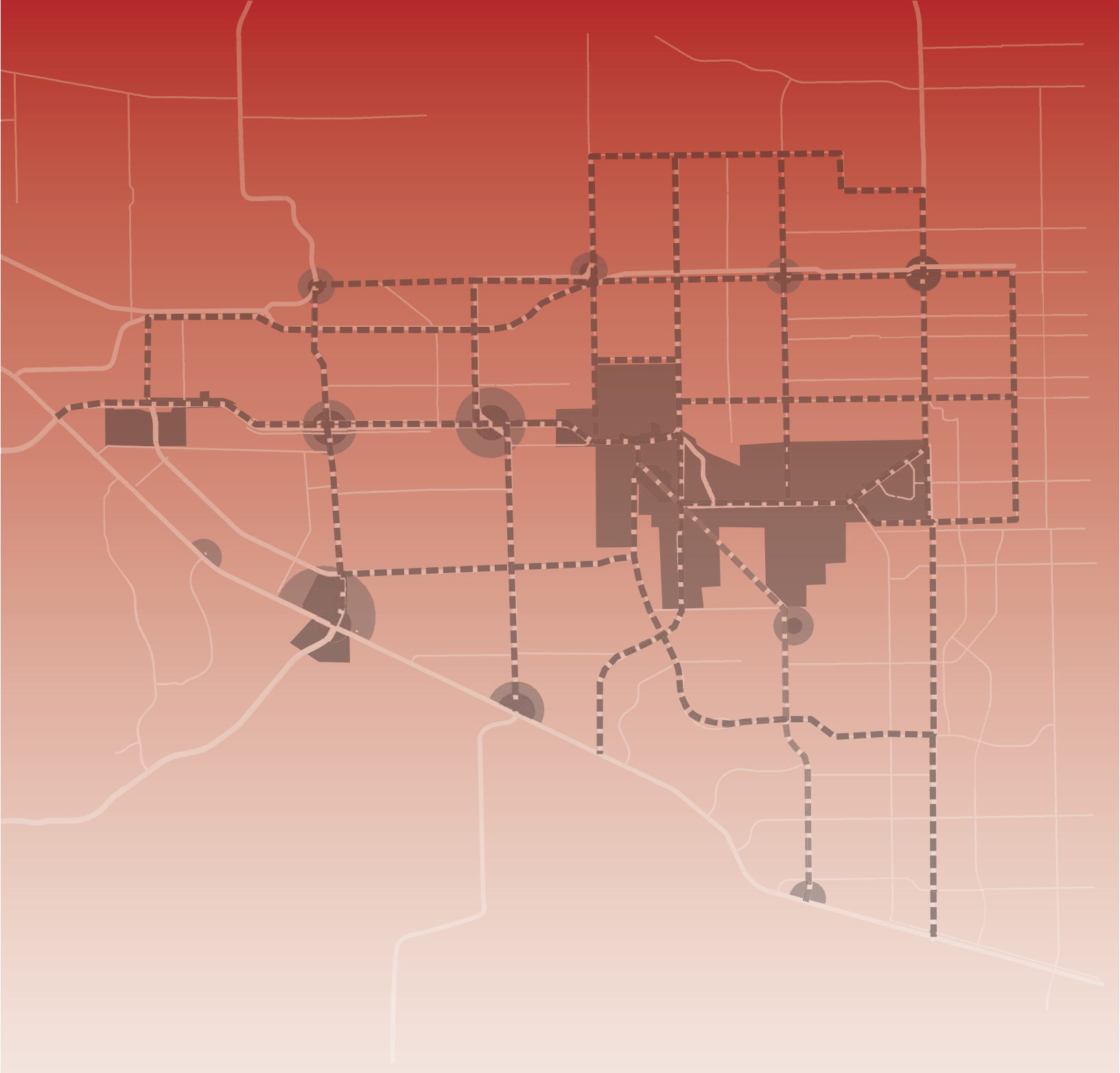
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Deputies: Car burglar leads victim, deputies on chase
GPS on Jesus steals Hevers
Fired Bertram highway robber released

Click here to search any of our online yellow page directories for all of your local businesses

Public presentations and other events were advertised and reported on by the local media



SECTION II

BACKGROUND

II.1 Historical Overview

Lehigh Acres was an 18,000-acre cattle ranch that in the mid 1950's was purchased as a tax shelter by Chicago businessman Lee Ratner. By 1954, Ratner, had joined Gerald H. Gould, advertising executive from Florida, Manuel Riskin, a CPA from Chicago, and Edward Shapiro, a California real estate investor, to create the Lee County Land & Title Co. (later renamed Lehigh Acres Development Corporation). The group acquired additional land, subdivided it all into quarter-acre and half-acre lots, and began lot sales in earnest, marketing the development as a retirement community.

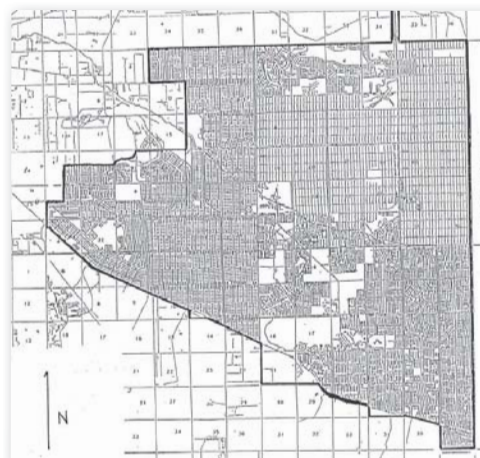


Lehigh Acres in the 1950s

Some land was set aside, mainly along Homestead Road and Lee Boulevard, for commercial uses. However, the set-aside was not nearly enough to serve an area of 100 square miles, where development was eventually expected to reach between 135,000 and 150,000 housing units at buildout. For many years, the slow pace at which the area developed was providential, since Lehigh Acres was too distant from other developed areas in Lee County and from existing infrastructure and services to make it fiscally feasible to provide those services. In a study on platted lands prepared in 2003, the Florida Legislative Committee on Intergovernmental Relations estimated that nearly 90 percent of the lots in Lehigh Acres remained vacant as of 1997.

Around that time, unexpectedly, development intensified. Certificates of Occupancy (CO's) for residential structures in Lehigh Acres jumped from 528 in 2000, to 1,183 in 2003. By 2005, this number had grown to 6,241. Traffic, crime, water quality, and other problems began to afflict Lehigh Acres—not unlike other rapidly growing communities, but in Lehigh Acres, these factors were exacerbated by the unique conditions and built-in deficiencies of the development pattern. Today, while the nationwide economic downturn clearly has slowed the pace of development in Lehigh Acres in the near term, the underlying problems remain, and are only likely to worsen whenever the market picks up again. Many of them are interrelated, and have significant effects on the physical and social welfare of the community.

Over the years, various proposals have been made to resolve the issues in Lehigh Acres. The Lehigh Acres Development Corporation, the original developer, was sold numerous times between 1972 and 1991, when the company finally ended its land dealings in the community. In 1992, a new developer, Minnesota Power, worked with Lee County to establish a Community Redevelopment Area in Lehigh Acres that, among other things, would allow for the acquisition of land for complementary nonresidential uses and for the improvement of deficient infrastructure and services. However, the CRA was dissolved in the year 2000, before many initiatives could be implemented.



Lehigh Acres CRA boundaries

Source: Lehigh Acres Blight Study, December 1993

In addition, since the mid-1990s, residents of Lehigh Acres have proposed incorporation twice as a means of exerting more control over their own future, but these efforts did not succeed at the ballot box, most recently in 2007.

Meanwhile, in 2004, a group of local leaders formed the Lehigh Acres Community Planning Corporation (LACPC). The stated mission of this group is to “support the management, planning and redevelopment of the Plat known as Lehigh Acres to a degree needed to meet the needs of the community known as Lehigh Acres, located in Lee County, Florida and to prepare a community plan for Lehigh Acres and deliver it to the designated agent of the Lee County Board of County Commissioners.” The LACPC actively collaborated with the consultant team retained by the County to prepare the Comprehensive Planning Study. In April 2005, with the support of the LACPC, the Board of County Commissioners approved a 17-month moratorium on applications to rezone non-residential land for residential projects in anticipation of the planning process. The moratorium was extended once in 2007 to allow for the completion of the plan.

III. 2 Legal Parameters

No discussion of possible strategies for dealing with development or redevelopment in Lehigh Acres can proceed without consideration of all factors related to private property rights. The consultant team conducted an exhaustive search and analysis of various legal and regulatory issues and instruments that have an influence on development in Lehigh Acres. The review of the background facts indicates that there are three agreements and four related government actions that affect vested rights issues in Lehigh Acres, which should be regarded in planning the future of this community (Figures 7 through 11).

In simple terms, the examination of these various decisions and agreements suggests that, because the majority of land in Lehigh Acres was platted and vested many years ago, the ability of the County to restrict development of single family residential on these lots on the basis of density, intensity, use, or transportation concurrency, is diminished. However, this development is required to meet all other land development regulations, including those regarding on-site sewage disposal systems and water wells. In addition, the Lee Plan grants that any subdivision approval may be revisited if it were demonstrated that a new peril exists—i.e., a peril unknown at the time of approval—to the public health, safety or welfare of the residents.

Presented in chronological order, the governing agreements and Lee County actions include:

1. June 23, 1971 - Subdivision and Platting Assurance Agreement (SPAA): This is an agreement drawn between Lehigh Acres Development, Inc. and Lee County. The SPAA—which has been amended twelve times since inception—does not address vested rights per se, but does establish and recognize three categories of plats (Figure 7) and the infrastructure requirements for each, as follows:

- Plats recorded with Lee County as of the original date of the SPAA, and which are required to comply with the County’s subdivision regulations adopted in March 1962.
- Plats filed in conjunction with the SPAA, and which are also required to comply with the March 1962 subdivision regulations.

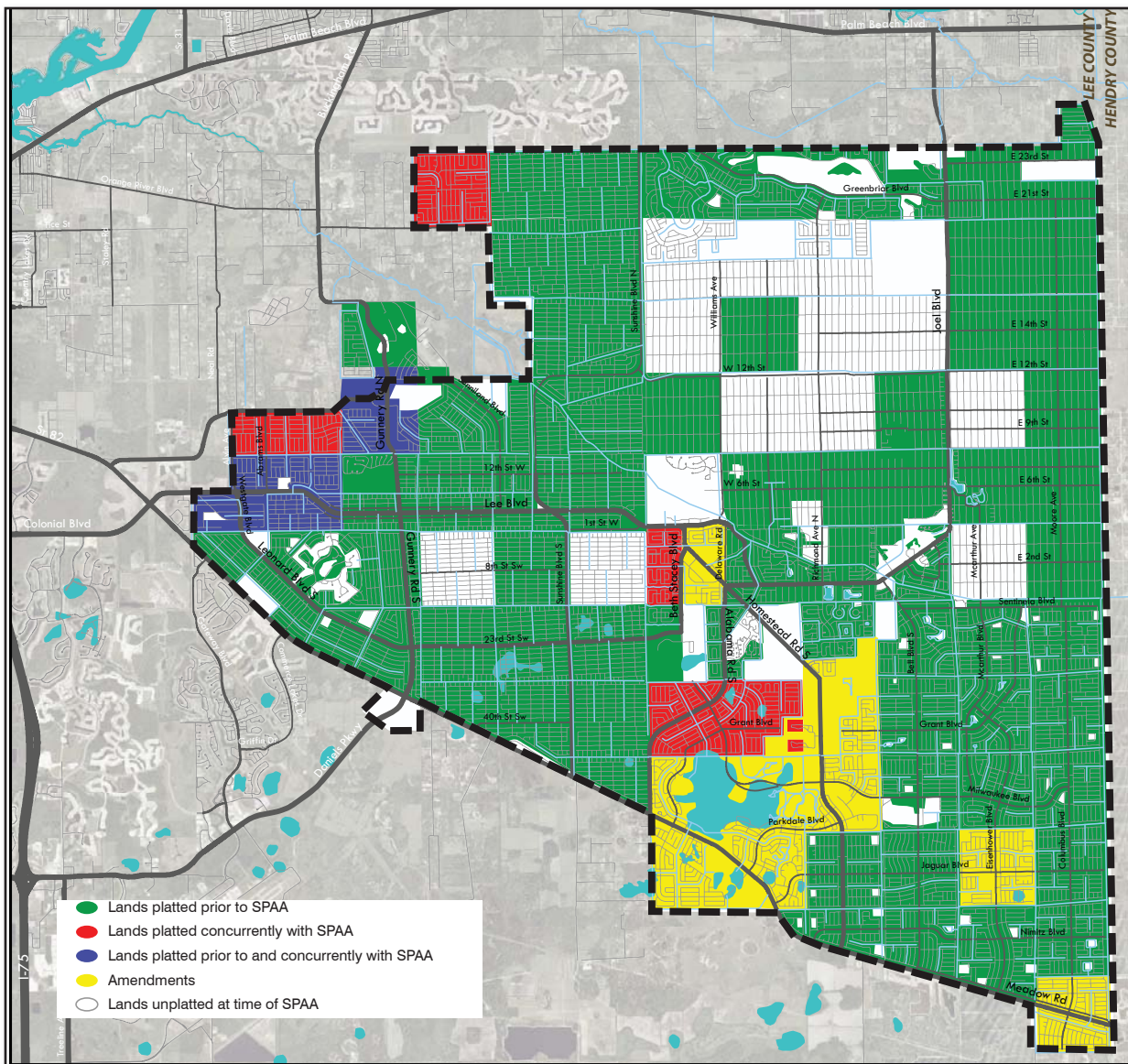


Figure 7: Lands subject to 1971 Stipulation & Settlement Agreements & Amendments

Source: WRT & Clarion
based on Lee County documents

- Lands that remained unplatted as of the date of the SPAA but which Lehigh Acres Development, Inc. intended to plat at a future date. Pursuant to the terms of the SPAA, those future plats were required to comply with subdivision regulations “in effect as of the date of the recordation in the County records of Future Plats.”

2. November 16, 1984 - Lee County Plan (Lee Plan): The 1984 Lee Plan identified Lehigh Acres as an Urban Area, and assigned the future land use classifications of Urban Community and Central Urban area to lands within Lehigh Acres. (These are the same designations in effect today).

The 1984 Lee Plan included a section addressing the effect of the Plan on vested rights, which is relevant to the situation in Lehigh Acres. This section recognized that an approved platted subdivision, platted pursuant to Part I of Chapter 177, F.S., was deemed consistent with the Lee Plan if the following conditions were met: (1) construction of the subdivision began within two (2) years of approval; (2) construction activity complied with all applicable public health, safety, and welfare standards and regulations; (3) the subdivision was deemed consistent “only insofar as those items specifically approved;” and (4) there was not a substantial deviation from the approval granted.

Three limitations are spelled out in the Plan, which are also of relevance to Lehigh Acres. First, there was an express provision that vested rights were only valid for a limited period of time. Second, the provision was clear that a substantial deviation to the development approval determined to be vested would subject the development to the policies and implementing decisions and regulations of the Plan. Third, the Lee Plan recognized that even if a subdivision met all the conditions, it could be deemed inconsistent with the Plan "...upon a showing by the County of a peril to the public health, safety, or general welfare of the residents of Lee County, which peril was unknown at the time of approval."

3. June 21-October 31, 1985 - Decision on Appeal of Administrative Determination by Lehigh Acres Development Corporation:

Still uncertain about its development rights in Lehigh Acres under the 1984 Lee Plan, on June 30, 1985 Lehigh Acres Development, Inc. filed an application for an Administrative Interpretation of Vested Rights with respect to all the land generally known as Lehigh Acres. In its request, Lehigh Acres Development, Inc. alleged that Lehigh Acres had "acquired vested rights to complete development of Lehigh Acres in accordance with its Master Land Use Plan, its recorded subdivision plats, the Subdivision Platting Assurance Agreement (SPAA), and the zoning granted by Lee County."

The County's Administrative Designee determined that "equity requires the County to concede Lehigh Acres Development, Inc. had a vested right to develop all portions of Lehigh Acres for which a plat had been prepared by Lehigh Acres Development, Inc. and recorded by Lee County". The Administrative Designee found these areas to have vested rights through estoppel whether they were consistent with the Lee Plan or not. The Administrative Designee also concluded that all remaining undeveloped and unplatted lands in Lehigh Acres were not vested under the Lee Plan. The decision of the Administrative Designee was appealed. On October 31, 1985, the Lehigh Corporation filed a Petition for Writ of Certiorari and Declaratory Judgment, again alleging that all remaining undeveloped and unplatted lands in Lehigh Acres were vested under the 1984 Lee Plan.

4. December 27, 1988 – Stipulation and Settlement Agreement

(SSA): On December 27, 1988, Lee County and Lehigh Corporation resolved the lawsuit by the Lehigh Corporation by entering into a Stipulation and Settlement Agreement. The SSA addresses whether certain lands in Lehigh Acres were vested for development under the 1984 Lee Plan. These were specific lands in Lehigh Acres that had not been platted on the date of the SSA. The lands within Lehigh Acres that are not subject to the SSA are also identified. Many of these lands had already been platted, and the Lee County Administrative Designee determined that owners of these platted lands (which constitute a majority of the land in Lehigh Acres) had a vested right to develop single family homes on a lot. The SSA states its intent to provide these lands subject to the Agreement "...with urban densities and intensities of use for development independent of Lee County subsidized infrastructure."

5. 1990 - Lee Plan : In the late 1980s, Lee County prepared and adopted a new comprehensive plan to comply with Florida's 1985 Planning Act. It was ultimately found to be in compliance in 1990. The 1990 Lee Plan basi-

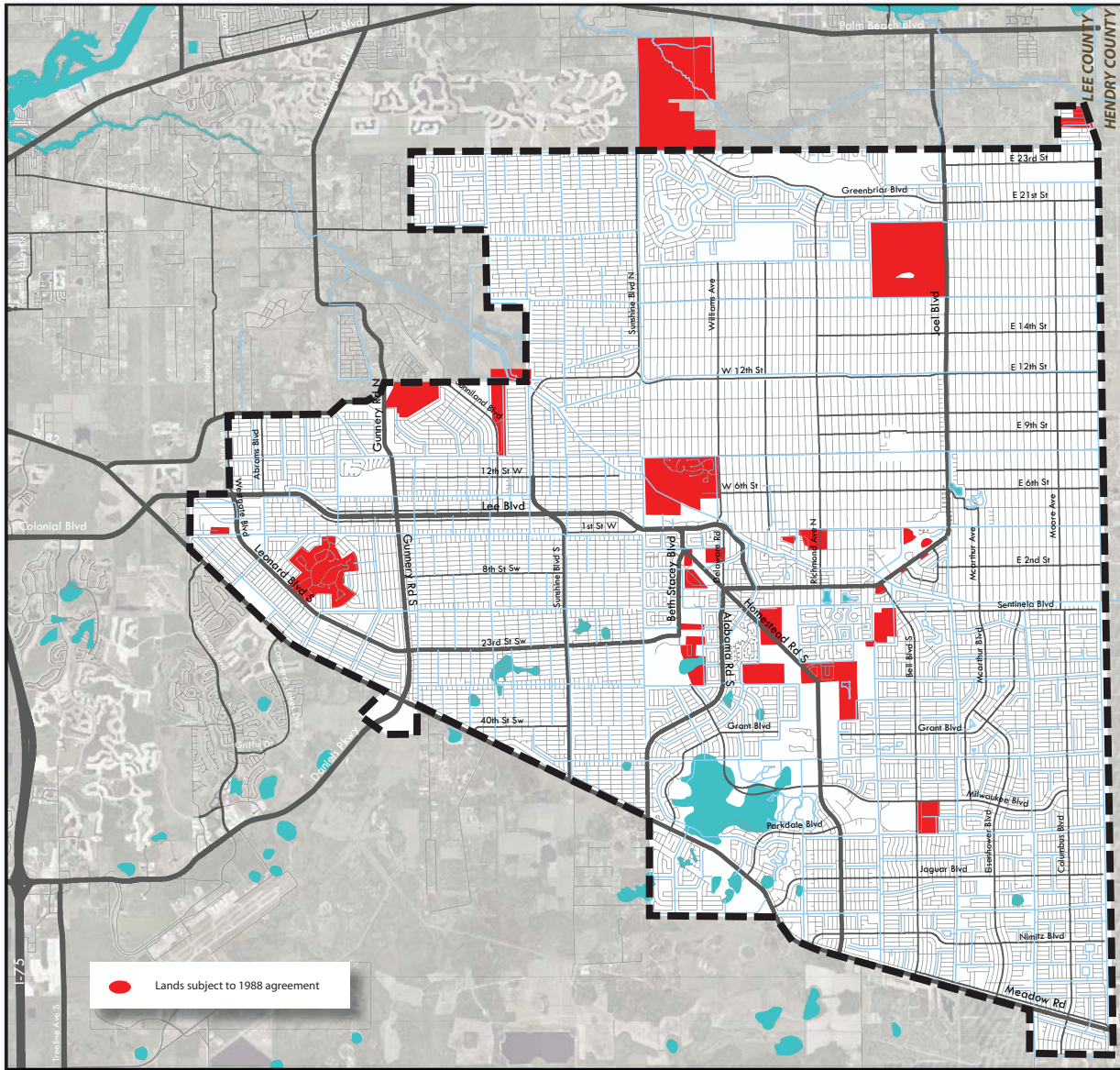


Figure 8: Lands subject to 1988 Stipulation & Settlement Agreements

Source: WRT & Clarion based on Lee County documents

cally provided the same future land use designations to Lehigh Acres as the Lee Plan (1984). In 1990, Lee County’s zoning district classifications for Lehigh Acres were consistent with the Future Land Use Map category designations. In order to comply with the mandate of Florida’s 1985 Planning Act, the 1990 Lee Plan included a concurrency management program, which was implemented by the county through the adoption of land development regulations. Recognizing that there could be potential development conflicts and vested rights issues created by the new Plan, the Plan also included a section addressing the effect of the Plan on vested rights, both for consistency determinations and the application of concurrency.

6. June 9, 1992 - Stipulation and Settlement Agreement (Applications for Concurrency Vesting)

Request that Lee County Recognize Vested Status of Certain Property in Lehigh Acres From County Concurrency Requirements Established In 1990 Lee Plan/ County Response: In 1990, the Lehigh Development Corporation requested that Lee County recognize that all lands in Lehigh Acres were

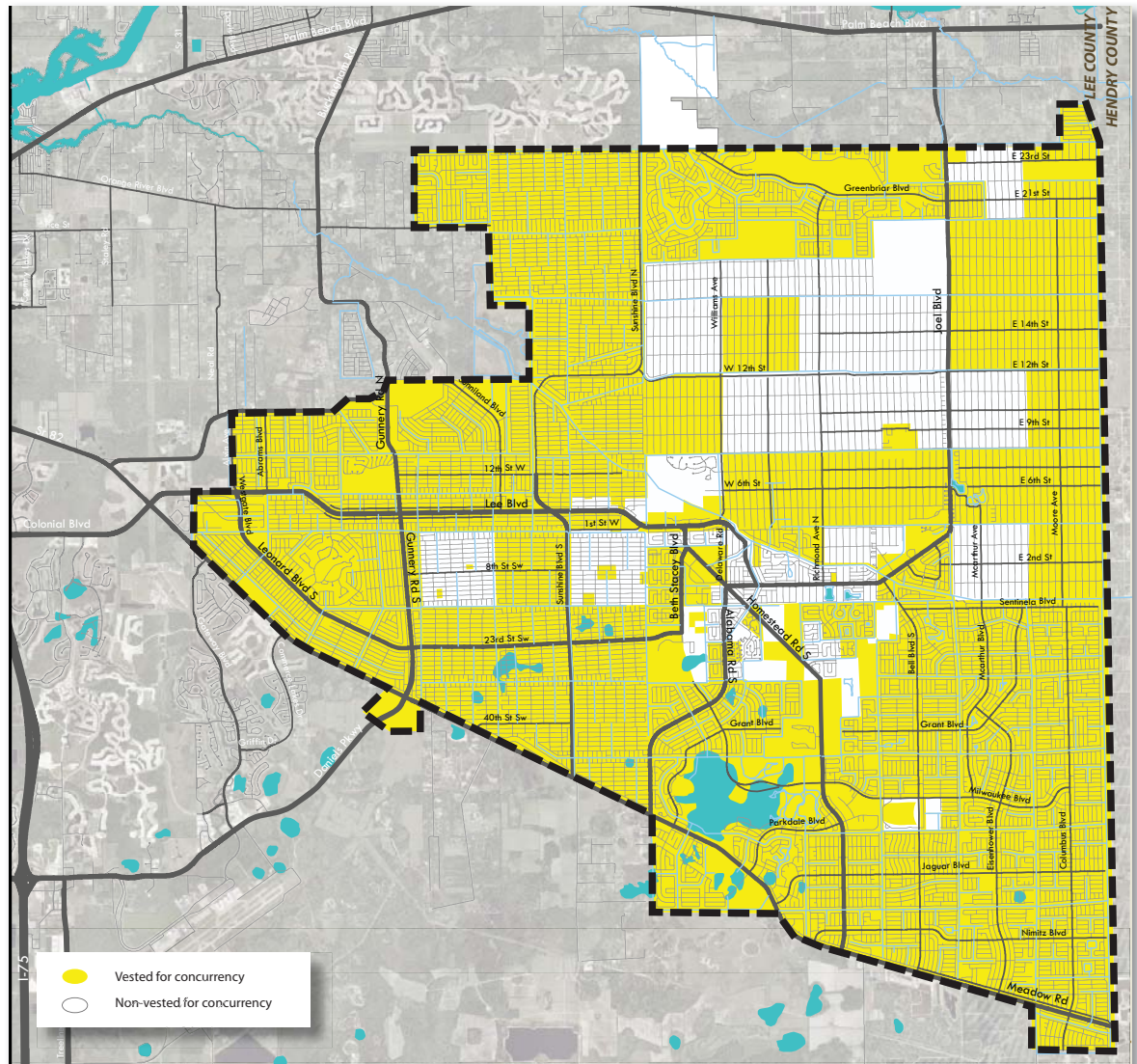


Figure 9: Lands subject to 1992 Stipulation & Settlement Agreements

Source: WRT & Clarion based on Lee County documents

vested for concurrency purposes. There was correspondence on this issue between Lehigh representatives and the County Attorney's office. (For example, the County Attorney's Office sent the Lehigh Development Corporation a letter on May 4, 1990 stating it did not consider the property identified in the 1988 Settlement Stipulation vested for concurrency purposes under the 1990 Lee Plan. The letter did state that it considered the lands platted and subject to the SPAA are vested with respect to concurrency.)

The Lehigh Corporation, pursuant to procedures established by the Plan, submitted three (3) separate Applications for Determination of Concurrency Vesting for Lehigh Acres lands. The County notified the Lehigh Corporation that the property in Application #1 was ineligible for vesting, and Lehigh filed a Request for Appeal of an Administrative Interpretation. It was determined the lands in Application #2 could complete development without compliance with the Lee County Concurrency Management Regulations. Finally, it was determined that a portion of the lands in Application #3 could complete development without compliance with the Lee County Concurrency Management Regulations, while other lands were subject to those regulations. Lehigh also filed a Request for Appeal of an Administrative Interpretation on Application #3, which was denied by the Hearing Examiner.

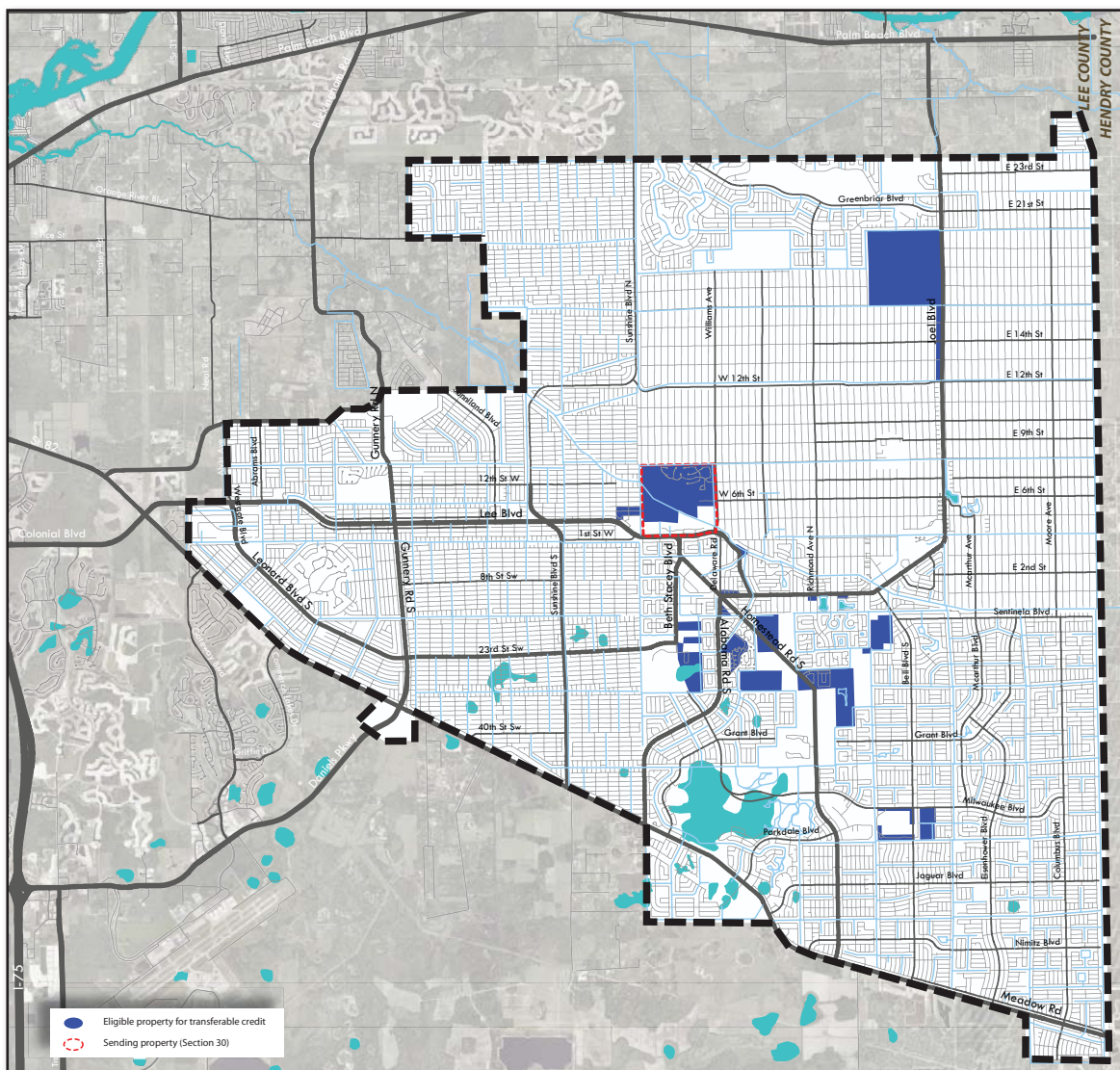


Figure 10: Lands subject to 1992 Agreements

Source: WRT & Clarion based on Lee County documents

County Petition for Writ of Certiorari and/or Complaint for Declaratory Relief and/or Complaint to Enforce Final Judgment (April 2, 1991): Subsequent to the Hearing Examiner's decision on Application #3, the Lehigh Development Corporation filed a Petition for Writ of Certiorari and/or Complaint for Declaratory Relief and/or Complaint to Enforce Final Judgment against Lee County. In the complaint the Lehigh Development Corporation alleged Lehigh Acres is vested for concurrency purposes because the permitting document that controlled development was the 1988 Settlement Stipulation and the SPAA and its 11 amendments.

The Stipulation and Settlement Agreement: The Lehigh Corporation and Lee County entered into a Stipulation and Settlement Agreement on June 9, 1992 to resolve the dispute. The Stipulation and Settlement Agreement identifies the rights of lands in Lehigh Acres with respect to vesting under the concurrency requirements in the 1990 Lee Plan and the County's concurrency regulations. As shown in Figure 9, the majority of property in Lehigh Acres is vested from meeting the concurrency requirements.

The premise of the concurrency system is to require that adequate roadway facilities be provided to achieve and maintain the adopted LOS standard,

or—lacking the facilities—development permits may not be issued. However, the effect of the 1992 SSA is to allow permits to continue to be issued for residential development on those lands in Lehigh Acres that are vested for concurrency purposes, even if concurrency requirements are not met. The 1992 SSA states that a Certificate of Concurrency exemption (“Certificate of Exemption”), issuable only to property identified as vested in the Agreement (per Figure 3), excuses the exempt property from compliance with the level of service standards set forth in the Concurrency Management Ordinance No. 89-33, as amended, (the “Concurrency Ordinance”).

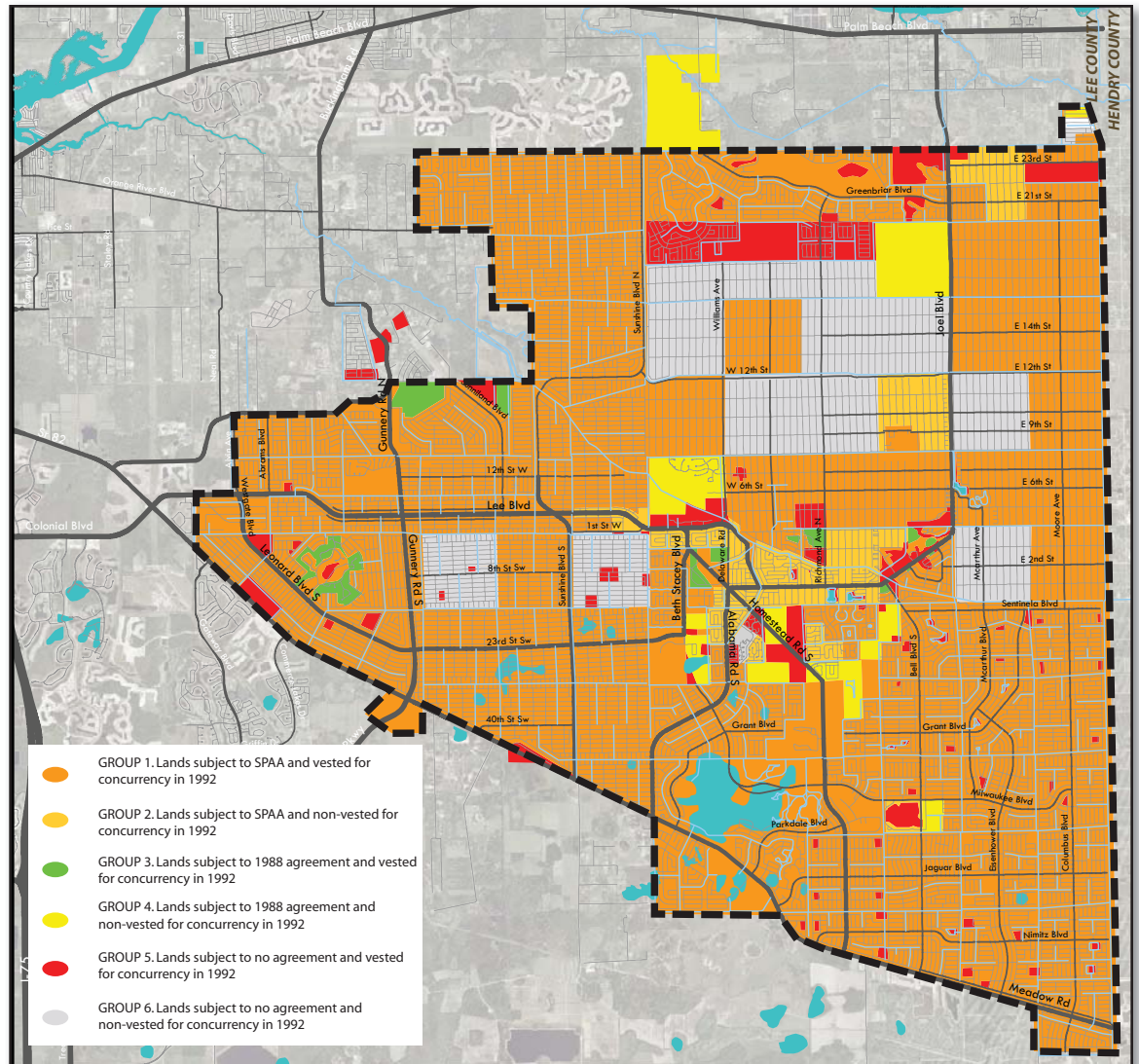


Figure 11: Summary of Agreements

Source: WRT & Clarion based on Lee County documents

II.3 Prior Plans and Studies

This section summarizes some key documents that have been prepared over the years with the goal of influencing development patterns in Lehigh Acres. It does not represent an exhaustive list of all the plans, studies, maps, or other data reviewed as the basis for this study.

The Lee Plan

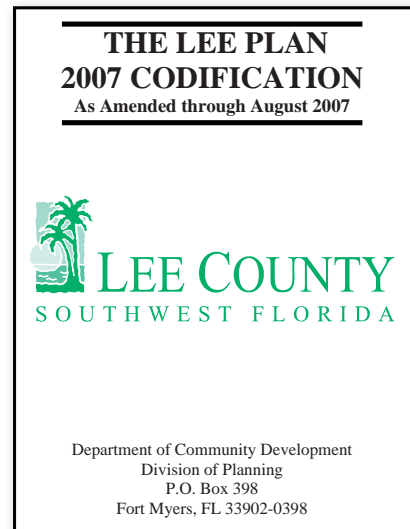
All development in Lee County is managed through the Lee County Comprehensive Plan, also referred to as the Lee Plan, and its accompanying Land Development Code. Lee County originally adopted the Plan in 1984 to comply with Florida's 1975 Planning Act. In the late 1980s, Lee County prepared and adopted a new comprehensive plan to comply with Florida's 1985 Planning Act. This plan was adopted in 1989.

Since then, the Lee Plan has continued to be amended and updated as required by Florida law. The current plan, codified in 2007, has been amended over 50 times since 1989. This plan establishes a vision for the County as it is expected to be in the year 2030. Amendments adopted in 1999 established a framework of "planning communities" within the County. The plan's land use accommodation is based on an aggregation of allocations for the 22 planning communities, each of which is defined and envisioned "to capture the unique character of each area of the county."

It is noteworthy that those portions of the Lee Plan that pertain to the vision for the Lehigh Acres Planning Community in the year 2030 concede that the challenge of altering course is such, that much may not change in the next 12 years:

"17. Lehigh Acres - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow at a rate faster than the county average growth rate. This community, however, will not be close to build out by 2030. Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)." (Lee Plan Chapter I, p. I-8)

Similarly, the goals, objectives, and policies in the current Lee Plan that specifically concern Lehigh Acres acknowledge and comply with the legal constraints pertaining to vested rights, while attempting to establish a framework for orderly growth. At the core, however, there is an inherent disconnect between the character described in these policies and the character that may be achievable due to these legal constraints and the fundamental flaws in the subdivision design.



POLICY 1.1.3: *The Central Urban areas can best be characterized as the “urban core” of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service -water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02).*

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

OBJECTIVE 1.8: LEHIGH ACRES COMMERCIAL USES. *Designate additional overlay zones on the Future Land Use Map to designate potential commercial land uses in Lehigh Acres. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres. (Added by Ordinance No. 98-09)*

POLICY 1.8.1: *Commercial uses are permitted on lands in the Lehigh Commercial overlay once commercial zoning has been approved in accordance with this plan. Land in the Lehigh Commercial overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor-area ratio of 1.0 (the ratio of interior floor space to total lot area). The prohibition on single-family development does not apply in the following portions of the Lehigh Commercial overlay: (1) that*

portion of Section 6, Township 45S, Range 27E lying south of 23rd Street Southwest and its easterly extension beyond Beth Stacey Boulevard, containing about 92 acres; and (2) those portions of Section 5, Township 45S, Range 27E described as follows:

(a) that part of the southwest quarter of the northeast quarter lying southwest of Homestead Road, containing 22.12 acres, and

(b) the west 364 feet of the north half of the southeast quarter, containing 11.00 acres, and (c) the southwest quarter of the southeast quarter less the south 175 feet of the east 125 feet, containing 39.50 acres. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22).

POLICY 1.8.2: Commercial uses will also be permitted on all lots in the Reclaimed Strip overlay facing S.R. 82 once a corridor access management plan is adopted by FDOT governing that portion of S.R. 82. This plan would provide for additional road connections between S.R. 82 and Meadow Road at about 1/8-mile spacing with full access median crossings at about 1/4-mile spacing. All lots would ultimately have access to S.R. 82 via Meadow Road, which would serve as a reverse frontage street. Commercial uses would also be permitted on all Reclaimed Strip lots facing Gunnery Road if Lee County adopts a similar plan, with access to all lots being provided via Gretchen Avenue which would serve as the reverse frontage street. Until such plans are in place, those lots in the Reclaimed Strip overlay that do not qualify for commercial development under the location standards of Policy 6.1.2 may be used only for the residential uses permitted in the C-2 zoning district. (Added by Ordinance No. 98-09).

POLICY 1.8.3: Because of the shortage of suitable undivided tracts in Lehigh Acres, commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.

1. Many such lands are designated with the Lot Assembly overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, assemblies of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.

2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the normal zoning processes or by requesting a new conventional commercial zoning district that may be created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:

a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or

b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings.

Land-owners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering. Decisions on the suitability of any proposal will be made by Lee County on a case-by-case basis in order to implement the intent of these regulations.

3. Commercially zoned land not placed within one of these overlays can be developed in accordance with previous regulations, but may be subject to county-initiated rezonings to restrict or eliminate future.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 1.7.10; Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47, 94-30, 00-22, 02-02).

POLICY 37.4.1: Based on short-term forecast conditions, Lee County in 2000 will investigate the creation of a Transportation Concurrency Exception Area in Lehigh Acres. (Added by Ordinance No. 00-08).

POLICY 54.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 1.7.10 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22, 02-02)

POLICY 69.2.2: The County will cooperate with the Sheriff to evaluate the need for substation facilities in the Lehigh Acres and Alico Road/ Corkscrew Road areas, the East Fort Myers/Fort Myers Shores and Pine Island Center areas. (Amended by Ordinance No. 94-30, 00-22)

Lehigh Acres Community Redevelopment Area Plan

In 1992, Minnesota Power—at 8,000 acres, one of the larger landowners in Lehigh Acres—promoted the creation of a Lehigh Acres Community Redevelopment Area (CRA), working with Lee County and other stakeholders. In 1994, the area was declared “blighted” under Florida redevelopment law, and a Community Redevelopment Plan and Agency were established. The CRA sought to address issues such as road conditions, transportation alternatives, public safety needs, storefront design, and community beautification. Actions were undertaken in some of these areas, but the termination of the County’s CRA program in 2000 halted their implementation.

Lehigh Acres Commercial Land Use Study

In 1996, the CRA hired Spikowski Planning Associates to prepare a commercial land use study for Lehigh Acres. Five proposals were developed to increase the amount of commercial development in the community:

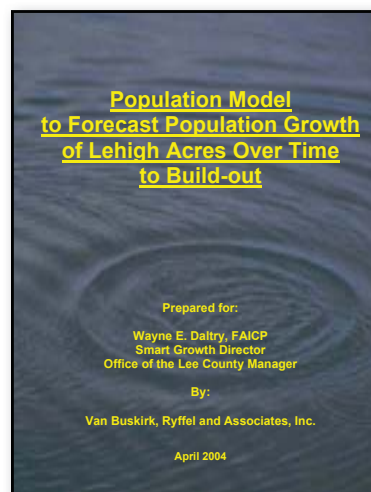
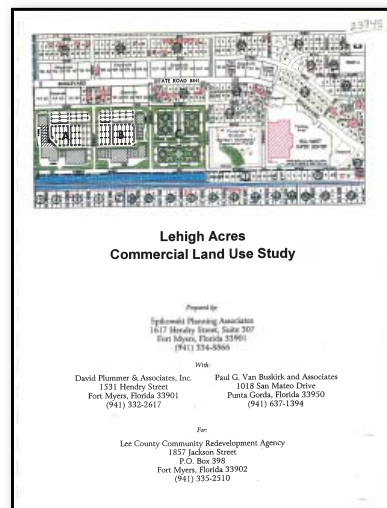
- Modify unnecessary regulatory barriers to the development of commercial use
- Focus on those parcels that are under unified ownership
- Reconfigure existing commercial strips
- Provide for commercial enterprises in relation to the development’s size
- Assemble as many lots as possible

Although these proposals were not implemented immediately, due to the dissolution of the CRA, some of them have been integrated into the Lee Plan (Objective 1.8 and corresponding policies) and are also the basis for the recently adopted Commercial Overlay, which identifies sites appropriate for commercial use. A Mixed-Use Overlay will establish new site and building design standards for these areas. These directives have been beneficial, but may not go far enough to increase the quantity and quality of commercial to serve the anticipated population growth in Lehigh Acres over time.

Population Model to Forecast Population Growth of Lehigh Acres over Time to Build-Out

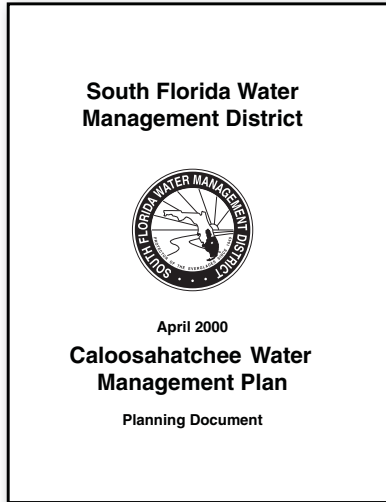
This study was prepared for Lee County Smart Growth in 2004 by Van Buskirk, Ryffel, and Associates, Inc. The purpose of the study was to forecast permanent population of Lehigh Acres, by five-year increments, to its build-out. The population projected at build-out in this report was 303,441, which would occur sometime after 2060.

The forecast study was presented as a critical building block to develop an interactive growth model in the future that would distribute the future population. A Lehigh Acres growth model would be invaluable to plan for growth, the reapportionment of land, timing of utilities, roads, other public services such a fire house timing and location, open space, schools and commercial uses.” The report suggests that the model could be used to determine the amount of land use deficiencies for commercial, employment, and community facilities, determine the size and location for the appropriate distribution of these lands consistent with forecasted population growth over time, and use mechanisms such as condemnation or public-private partnerships



to acquire the necessary land. However, the study does not seem to have reviewed or take into consideration issues of vested rights that are prevalent in Lehigh Acres.

SFWMD Caloosahatchee Watershed Initiative/Lehigh Headwaters Initiative/South Lehigh Acres Historic Flow Restoration/ECWCD Comprehensive Water Resources Plan



The South Florida Water Management District (SFWMD) is collaborating with East Lee County Water Control District (ECWCD) for stormwater improvements, as part of the Caloosahatchee River Watershed Initiative. The Caloosahatchee River Watershed Initiative consists of a series of regional water projects. The ECWCD is located within the Caloosahatchee Watershed of Lee County, with discharges to the Orange River, Bedman Creek and Hickey Creek—all of which, in turn, discharge to the Caloosahatchee River.

One of the most significant findings of studies conducted is the projected need for 3,700 acres of additional storage within Lehigh Acres to address stormwater at build-out. Another one is that, without improved groundwater recharge, residential well failures are probable. Groundwater levels in the Sandstone aquifer for full build-out conditions are projected to be 5 to 37 feet lower than for existing conditions, and water quality will likely deteriorate. The Comprehensive Water Resources Plan (CWRP) will result in the targeted acquisition of land throughout Lehigh Acres for additional stormwater storage and groundwater recharge purposes (Figure 12), as well as the re-design of a number of the existing canal structures in order to increase storage and improve water quality.

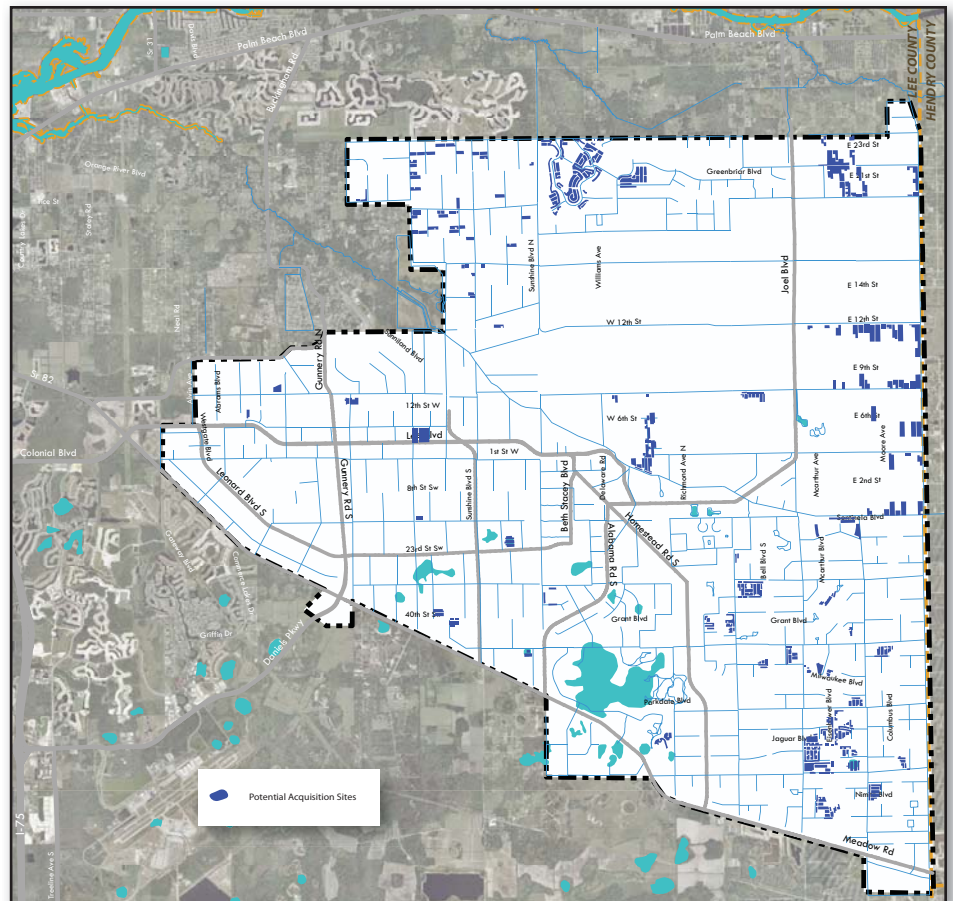


Figure 12: CWRP Potential Land Acquisition Locations
Source: ECWCD

2030 Long Range Transportation Plan

The 2030 Long Range Transportation Plan (LRTP) was adopted in 2005 and amended in 2006 and 2007. The Plan’s primary purpose is to address future multimodal transportation needs of the Lee County area, while meeting the criteria of the Federal Transportation Equity Act of the 21st Century (TEA-21).

The LRTP attempts to forecast an area’s mobility needs to a point in the future based on projected travel demands. The Plan is comprised of two major components: a needs assessment which identifies what projects are “needed” to meet the travel demands identified over the study period, and a financially feasible component which identifies what projects an area can afford based on its projected financial resources.

The Highway Element of the Plan identifies a series of projects in and around Lehigh Acres to improve road capacity and traffic flow. These include the widening of SR 82 by an additional 6 lanes; the expansion of I-75; the Luckett Road extension; and improvements on north Gunner Road, Joel Blvd., Homestead Road, and other smaller projects within Lehigh Acres. Many of these projects are identified as “funding-contingent” as opposed to financially feasible in the mid range. (Figure 13)

One of the other critical elements of the LRTP deals with the provision of alternative transportation modes, in particular facilities for pedestrians and bicyclists. As part of financially feasible roadway improvements, the LRTP proposes new bike paths along portions of SR-82 and other sections internal to Lehigh Acres, consistent with the Lee County Greenways Plan.

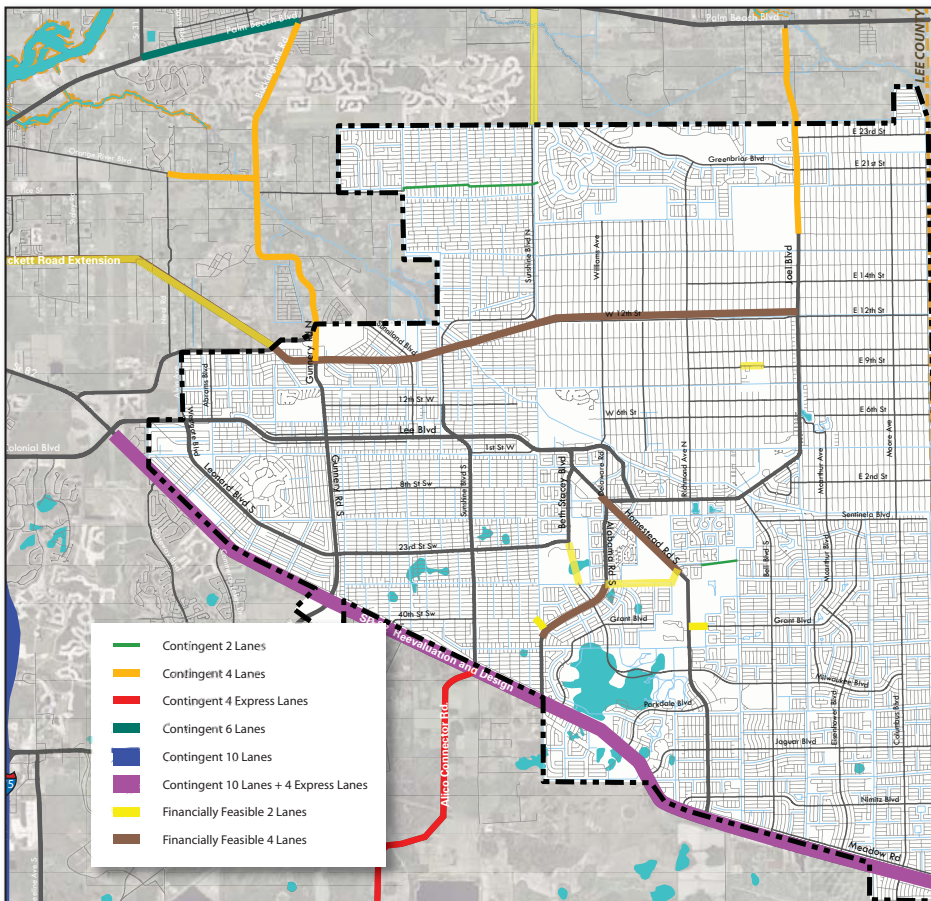
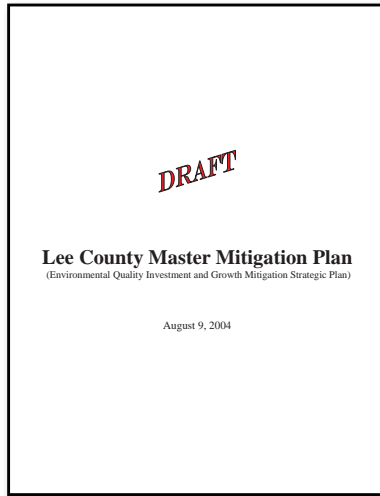


Figure 13: 2030 Long Range Transportation Plan Projects
 Source: Lee County MPO-2030 LRTP



Lee County Master Mitigation Plan

The Lee County Master Mitigation Plan provides valuable information regarding natural systems in the County, including those components that exist in Lehigh Acres. The plan was developed as part of a strategy to allow future growth without having to sacrifice those natural systems, which are so important to the quality of life and economic development of the entire County.

The Mitigation Plan describes environmental factors relevant to conditions found in the Lehigh Acres community, namely: (a) the threat of brush fires, with their increasing impacts on the man-made and natural environment; and (b) the incidence and impacts of source and non-source pollution on surface and ground waters. The plan also documents the location and extent, and condition of wildlife habitats, such as that of panthers, and linkages throughout the County.

Prospects for Southeast Lee County: Planning for DR/GR Area

The Density Reduction/Groundwater Resource is a designation that was included in the Lee Plan as part of the implementation of a Stipulated Settlement Agreement between Lee County and the Florida Department of Community Affairs (DCA) in 1990. The DR/GR designation applies to 82,560 unincorporated acres in Southeast Lee County. The DR/GR area is located east of I-75, south of Lehigh Acres and the Southwest Florida International Airport, and extends to the county lines of Collier and Hendry Counties.

The DR/GR area stores and protects critical water supply for the region, and serves as a “buffer” between the urban areas of the County located to the west, as well as Lehigh Acres to the north, and environmental preserves and features located to the south, east, and southeast. Wellfields, fertile agricultural land, abundant wildlife, and uplands and natural wetlands interwoven into a system of connected flowways are some of the important resources that exist in DR/GR area. (Before the construction of SR-82, natural water discharge flowed from the southern portions of Lehigh Acres south through the DR/GR.)

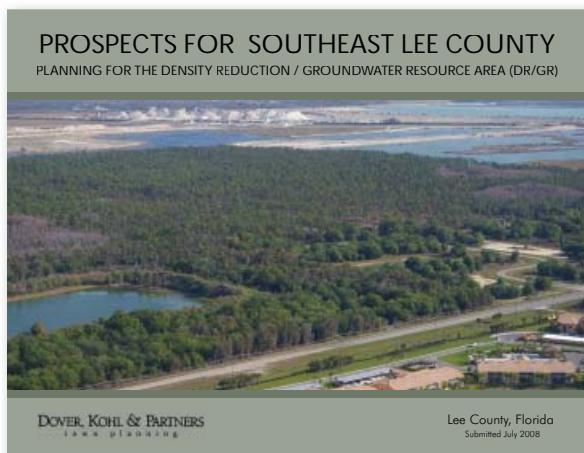
Wetland areas, which are common in the DR/GR, are designated with a residential density of one unit per 20 acres in the Lee Plan’s future land use map. Five other land use activities are also permitted in DR/GR today: very low density residential (one unit per 10 acres); agriculture (citrus, row crops, and pasture); open space/recreation; conservation; and mining, which requires approval through the rezoning process. Increasing pressure for the expansion of residential and mining interests within the area, and impacts on its water storage and recharge functions due to intensifying land use activities elsewhere in the surrounding region, have raised questions about how to best protect the DR/GR while accommodating the traditional land uses and safeguarding the rights of landowners.

To address these concerns, in the fall of 2007 the Lee County BOCC endorsed a 14-point Action Plan, which included the formation of a DR/GR Ad-Hoc Steering Committee, and the commissioning of a major planning study involving four components: a mining truck impact evaluation, an integrated surface and groundwater model, detailed ecological mapping, and a land-use study. The products of these various efforts were completed in July

2008. The land use component, under the title of “Prospects for Southeast Lee County: Planning for DR/GR Area,” presents three land use scenarios for the region. On July 31, 2008, the DR/GR Ad-Hoc Steering Committee recommended, by a vote of 9 to 4, that the BOCC adopt a modification to the three scenarios, consisting of a combination of Scenario 1 and a portion of Scenario 3. The vote “*supports the modified scenario for a number of reasons, including the following:*”

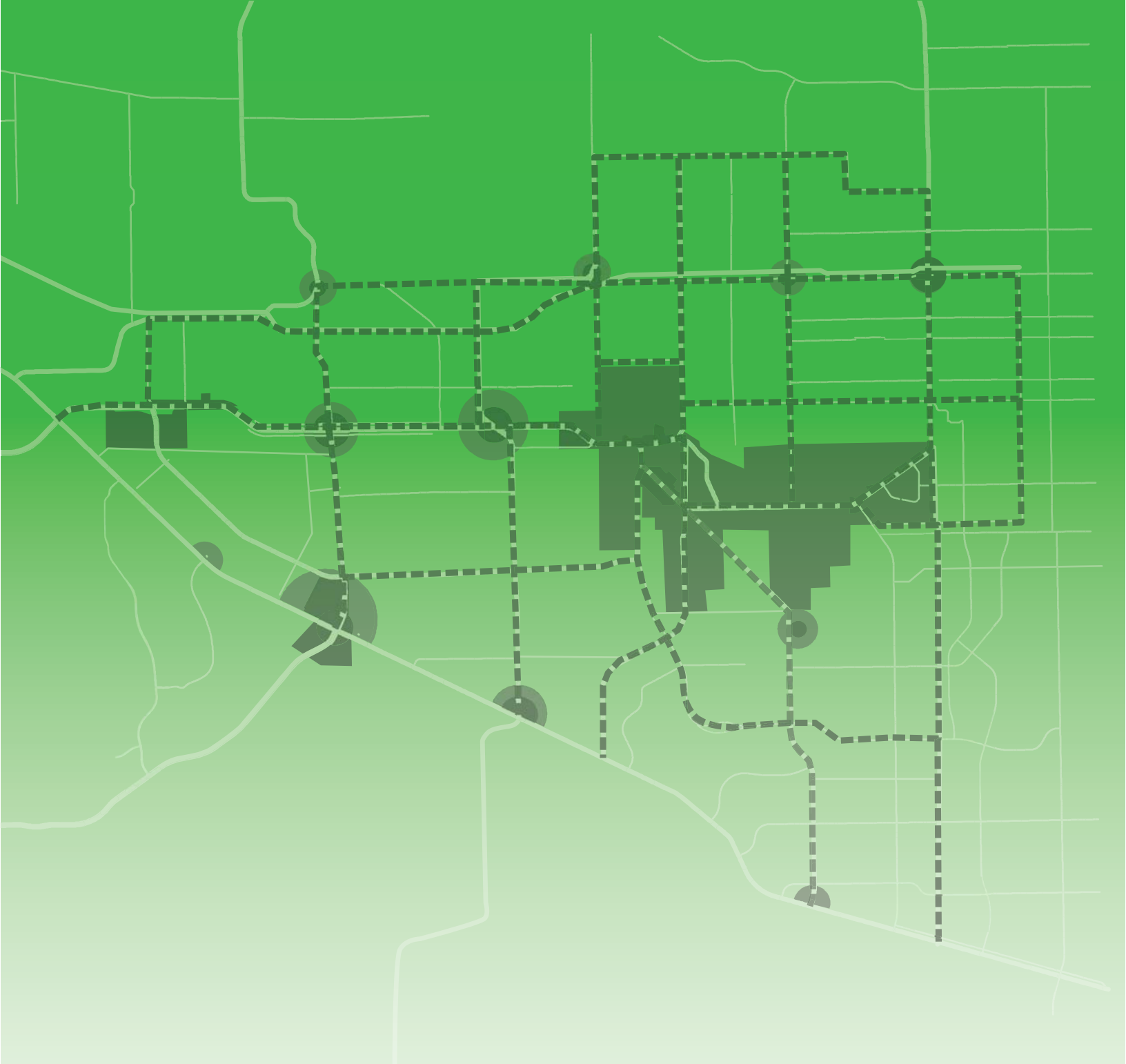
- *The scenario encompasses impacted areas such as existing mines, as well as portions of partially permitted mines.*
- *It allows for expansion of mines in contiguous areas and use of existing mine infrastructure in lieu of establishing mine activity in new or more distant areas, thus concentrating mining in the traditional mining corridor.*
- *It provides protection of important water resources, habitat and wildlife.*
- *It provides a means to obtain sufficient aggregate to meet the needs of Lee County and the traditional market area through the year 2030.*
- *It provides a balanced and sustainable mix of mining, agriculture, preserved and restored lands, and rural quality of life.”*

Among other actions, the Committee also favored considering a more aggressive use of transferable development rights (TDRs), emphasizing transfers to areas outside of the DR/GR, and to urban areas with high density transportation corridors. While not detailed in the Committee’s recommendation, the DR/GR reports suggests it may also be possible to include the urbanizing portions of Lehigh Acres as candidate receiving zones for DR/GR development rights. This suggestion is perfectly compatible with the tiered growth concept described in subsequent sections of this document. In this concept, in fact, it is suggested that the feasibility of a TDR program should be explored, with potential sending zones to be identified in Tier 3, and receiving zones in Tier 1 and perhaps some sectors of Tier 2. The sending zone could easily be expanded to encompass portions of the DR/GR. A detailed TDR market study is recommended in the future. Consideration should be given in the study to other potential receiving zones in Lee County, urban or urbanizing areas that may be equally or better suited to higher development densities and where demand may be greater for such higher densities.



Transfer of Development Rights (TDR):

A land use regulatory tool under which development rights can be severed from a tract of land and sold in a market transaction. The parcel from which the rights are transferred is permanently protected from future development, and the purchaser of the rights may assign them to his or her own different parcel to gain additional density... A flexible tool that can be used by local or regional entities to direct growth and promote open space preservation, without spending much public funding.



SECTION III
COMMUNITY ASSESSMENT



III.1 Demographics

Lehigh Acres is considered a Census-designated place (CDP) by the U.S. Census. Through the 1990s, Lehigh Acres' population grew by about 146%. The 2000 Census counted 33,430 people, 12,707 households, and 9,250 families residing in Lehigh Acres. The racial makeup in 2000 was 75.3 percent White, 13.79 percent African American, 0.29 percent Native American, 0.84 percent Asian, 0.02 percent Pacific Islander, 3.77 percent from other races, and 1.99 percent from two or more races. Hispanic or Latino of any race comprised 13.4 percent of the population. Hispanics are one of the fastest-growing segments of the population. According to the U.S. Census Bureau's American Community Survey (ACS), the share of Hispanics/Latinos in Lehigh Acres was estimated to have grown to 23.4 percent of the total population by 2006 (compared to 16 percent of the overall population of Lee County).

Some 14,486 housing units were counted in Lehigh Acres in the 2000 Census. By 2006, according to the ACS, the number of housing units had grown to 26,813, an increase of about 2,000 units per year over 6 years.

The demographic portrait provided by the ACS in 2006 indicates that Lehigh Acres is becoming younger. In 2006, the average household size was 2.83 persons, and the average family size was 3.16 persons—both averages reflecting a rise over those (2.62 and 3.03, respectively) registered by the Census in 2000.

The median age in 2006 was 34.1 years, down from 38 years in 2000. The share of population comprised of children under the age of 5 years of age remained steady between 2000 and 2006, at about 6.9 percent, while 27.5 percent of the community's population were children under the age of 18 years. On the other hand, the population of adults 65 years of age or older shrank from 19.5 percent in 2000 to 11.4 percent in 2006.

Although Lehigh Acres started as a retirement community, it is clear that the area has been attracting families with children and younger people in significant numbers, due to its affordability relative to other areas of Lee County. This demographic shift raises a series of new challenges related to facility and service demands that must be considered in the planning process. For example, the acquisition of sites for schools, parks, and other facilities is already a burden, and will become more so as the population continues to grow. In addition, with more working-age residents, the lack of employment centers within the community will only continue to intensify road congestion related to trips to and from work, increase commute times, and undermine quality of life. In 2006, the mean travel time (MTT) to work for Lehigh Acres residents was nearly 32 minutes, compared to 26 minutes MTT for Lee County and 25 minutes MTT in the U.S. as a whole. Only 1.9 percent of the labor force reported working at home, whereas some 95 percent drove to work (nearly 85 percent of these drove alone).

The 2006 median income for a household in Lehigh Acres was \$46,008, and the median income for a family was \$51,486 (compared to \$48,553 and \$57,429 for Lee County for the same year). The per capita income was \$29,069. Nearly 6 percent of families and 8 percent of individuals lived below the poverty line.

In 2003, Lee County estimated the permanent population of Lehigh Acres at 41,788, and the functional population (i.e., permanent + seasonal populations) at 44,575. This reflected an explosive rate of increase of about 8.33 percent per year since 2000. Similarly, the U.S. Bureau of the Census American Community Survey estimates the 2006 population at about 67,863, a growth spurt of over 26,000 people between 2003 and 2006. The current market conditions have slowed down growth in Lehigh Acres over the past two years, as reflected in building permit reports. For example, during July of 2008, the County issued just 6 permits for new residential construction in Lehigh Acres, compared to 67 during the same month in 2007. Both of these numbers are significantly down from 2006, when 395 permits were issued for new residential construction during July. This slowdown is expected to continue at least into 2009—perhaps beyond—and represents a window of opportunity to set a different course for the future of Lehigh Acres, which was improbable a few years ago.

III.2 Existing Land Use Pattern

Two easily noticeable traits characterize the current pattern and distribution of land uses in Lehigh Acres, as shown in Figure 14: first, a considerable amount of vacant, platted lots remains; and, second, of those parcels that are developed, the majority are highly scattered and predominantly in single family residential use. Very limited commercial development occurs in a pattern on narrow strips along the primary, central corridors: Lee Boulevard, Homestead Road South, and Joel Boulevard.

Vacant land is the dominant use in the existing land use pattern, totaling about 32,828 acres, with the most sparsely developed areas located in the southeastern and northeastern parts of the study area. Most parcels consist of platted single family lots that range between one-quarter (1/4) and one-third (1/3) acres in area—too small, individually, to support viable commercial, industrial, or public facilities.

Vacant Residential:	32,311 net acres (93,742 parcels)
Vacant Industrial:	104.2 net acres
Vacant Institutional:	0.5 net acres
Vacant Commercial:	422.3 net acres
Total Vacant Acreage:	32,828 net acres
(out of approx. 46,423 net acres within Lehigh Acres as a whole)	

Table 1: Vacant Land Distribution (by Intended Use)

Source: Lee County GIS

Fragmented ownership is a challenge to the task of land assembly; however, there could be some noteworthy opportunities, particularly in the current market, where large development companies and builders own clusters of vacant lots.

Name of Holding Entity	Parcels	Acreage	Pattern
Adams	548	155	Scattered, Greenbriar
Capital International	331	92	Scattered
D R Horton	391	115	Clustered, adjacent to Caloosa Lake
First Home Builders of Florida	152	40	Scattered
Florida Land Financial Corporation	484	160	Clustered, adjacent to Greenbriar
Florida Landmark Commercial	256	206	Clustered, adjacent Aston Greens
Gassner Development	56	11	Clustered, adjacent Town lakes
Habitat for Humanity	477	132	Scattered
Holiday Builders	15	35	Scattered
HRK Real Estate Holdings	64	16	Scattered
Hurley Holdings	190	93	Scattered
Jordyn Holdings IV LLC	10	83	Clustered, adjacent Copperhead
K Hovanian First Homes LLC	1360	363	Scattered; Clustered in Greenbriar
KB Homes Fort Myers	231	31	Clustered, Vistanna Villas, Town Lakes
Kimball Hill Homes Florida Inc	87	22	Clustered, adjacent; Greenbriar
King Stafford C and Annette N	269	78	Clustered, adjacent Greenbriar
L Plus Land Dev/Builders LLC	76	20	Scattered
Lennar Homes Inc.	390	138	Clustered, adjacent Mirror Lakes
Llorian Investments Inc	53	14	Scattered
Lot Guys	61	19	Scattered
Lucas Robert	44	13	Scattered
Maddie Corporation	73	19	Scattered
Madussa LLC	69	19	Scattered
Maronda Homes	100	29	Scattered
Mayor Construction of Naples	61	19	Scattered
MW Johnson Construction of FL	365	81	Scattered; Clustered Shadow Lakes
National Recreation	370	116	Scattered
Olivias Savannah	248	176	Clustered Mirror Lakes
Park Place Ventures	27	9	Scattered
REO Properties	61	20	Scattered
RK Properties	99	36	Scattered
Saada Abe	81	22	Scattered
Siev Inc	115	50	Scattered
Strathas Contracting Inc	65	17	Scattered
Stonegate Group	44	14	Scattered Greenbriar
Swearingen John C	84	27	Scattered
Tax Free Strategies	213	67	Scattered
USA Land Investment Corp	52	24	Scattered, adjacent Mirror Lakes
USA Real Estate Solutions	100	27	Scattered
US Home Corporation	118	37	Clustered: Greenbriar
Walker Berry J Jr	86	17	Clustered: Town Lakes Ph 4
West Coast Turnaround	84	28	Scattered: Greenbriar

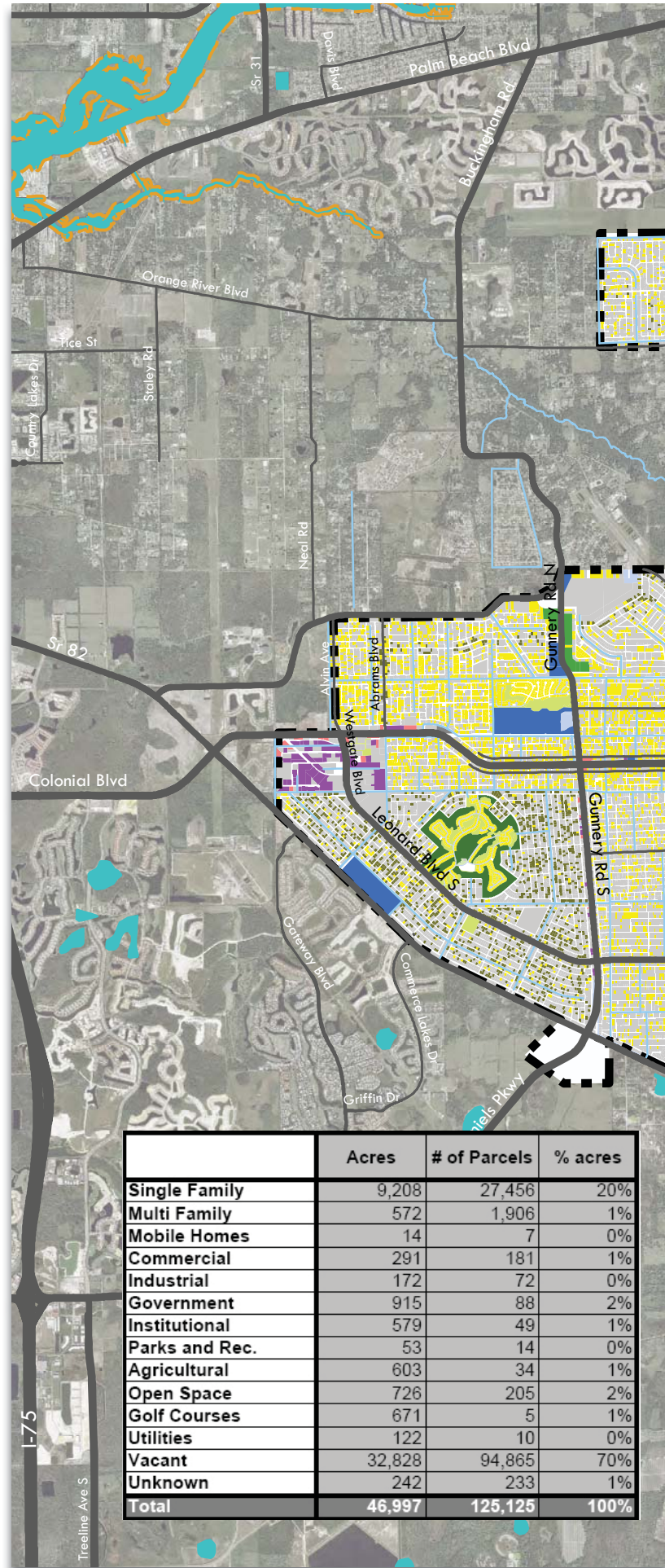
Table 2 : Potential/existing land assemblies (by ownership)

Source: Lee County GIS

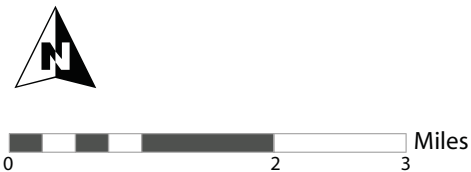
Figure 14: Existing Land Use

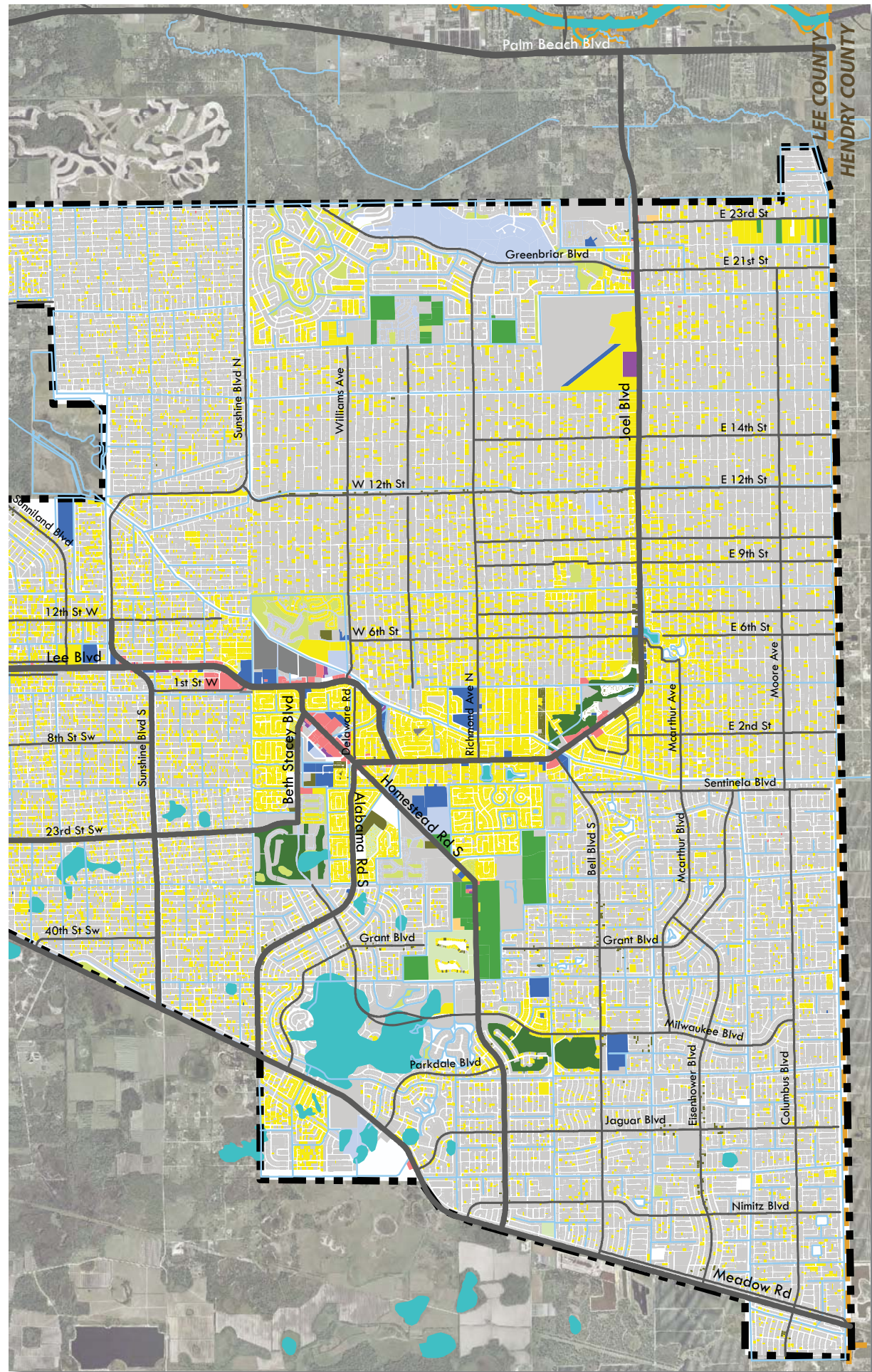
Source: Lee County GIS

- Residential: single family
- Residential: multi-family
- Residential: manufactured homes
- Commercial
- Industrial: manufacturing, warehouses, and industrial offices
- Government
- Institutional
- Parks and recreation
- Agriculture
- Open space
- Golf Courses
- Vacant
- Utilities
- Unknown



	Acres	# of Parcels	% acres
Single Family	9,208	27,456	20%
Multi Family	572	1,906	1%
Mobile Homes	14	7	0%
Commercial	291	181	1%
Industrial	172	72	0%
Government	915	88	2%
Institutional	579	49	1%
Parks and Rec.	53	14	0%
Agricultural	603	34	1%
Open Space	726	205	2%
Golf Courses	671	5	1%
Utilities	122	10	0%
Vacant	32,828	94,865	70%
Unknown	242	233	1%
Total	46,997	125,125	100%





Existing residential is most dense in the center of the study area, at the convergence of the area’s major roads—Lee Boulevard, Homestead Road South, and Joel Boulevard. This pattern corresponds with the areas served by water and sewer infrastructure. Generally, housing throughout the rest of Lehigh Acres is more (in some cases very) scattered, detracting from the possibility of neighborhood cohesion or a community structure.

Single-family dwellings are the main type of residential development in Lehigh Acres. Of the 29,369 total developed residential parcels, about 27,463 comprise detached, single family structures. All but five of the remaining 1,906 residential parcels are classified as “multi-family, less than 10 units,” which primarily means duplexes. For example, the Lehigh Estates neighborhood, located in the southwestern quadrant of the study area south of Lee Boulevard, contains 75 percent of the multifamily parcels. The remainder of the multifamily development is located along major roadway corridors, namely Buckingham Road, West 12th Street, Joel Boulevard, Alabama Road South, Grant Boulevard, Bell Boulevard, and Eisenhower Boulevard.

Total # of Parcels in Lehigh Acres	125,125
Total # of Residential Parcels	122,800
Total # of Developed Res. Parcels	29,369
Total # of Vacant Res. Parcels	93,742

*Table 3: Residential Land Development Status
Source: Lee County GIS*

Most of the homes located beyond the sewer service area are built on 1/4 acre lots and limited by Health Department rules to three bedrooms because of their reliance on onsite sewage treatment disposal systems (OSTDS, commonly known as septic tanks). Today, lots in Florida under 1/2-acre are not permitted to use an OSTDS without a variance. While in many municipalities and locales in the State a variance to this rule is rare, the State Variance Board of the Health Department has often issued variances in Lehigh Acres on the grounds that many of the parcels in the area were platted prior to the enactment of the related legislation. While this may not raise a general concern at the current low density of development (particularly if state-of-the-art OSTDS technologies are used, and the systems are properly maintained), if all of the single family lots located beyond the sewer service area were granted a variance to install an OSTDS, the concentration of such systems could eventually pose a health and environmental threat. Studies conducted in other areas of the country, including Florida, recommend not to exceed OSTDS densities of 2 systems per acre to minimize the risk of ground water contamination (see Section III.7, Infrastructure).

Overall, the amount of industrial and commercial development in Lehigh Acres is minimal, as are institutional and governmental uses. The key factors hindering the development of these uses are the lack of sufficiently sizable parcels, and the limited area serviced by central water and sewer, which are typically necessary to support such uses.

A concentration of light industrial uses and warehousing is located at the western gateway to Lehigh, south of Lee Boulevard. Concentrations of commercial use occur along Lee Boulevard, Homestead Road and Joel Boulevard. Institutional and governmental uses are clustered in the urban core.

III.3 Regulatory Framework

Two key pieces of local regulation direct the form, type, and amount of development in Lehigh Acres: the Lee County Comprehensive Plan, or Lee Plan, and the Land Development Code, which contains the zoning and development standards.

The Lee Plan

The Lee Plan identifies Lehigh Acres as one of 22 planning communities in Lee County. The Plan designates Lehigh Acres as an Urban Area, which allows for residential and nonresidential development at urban densities. Most of the land in Lehigh Acres, as indicated in Figure 15, is designated Urban Community in the Future Land Use Map. The community core was designated Central Urban. A very small area of Lehigh is designated for other future land uses, including Industrial Development.

The Plan states that "...The Urban Areas on the Land Use Plan Map are those portions of the County where urban development already exists or where it is located in the foreseeable future." The Urban Communities category recognized freestanding settlements that are somewhat removed from the Central Urban Area, and Lehigh Acres is specifically recognized in the Plan as one of these Urban Communities. Over 70 percent of Lehigh is designated as an "Urban Community." The Plan states that even though the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities than the Intensive Development and Central Urban Areas. Predominant land uses are identified as residential, commercial, public, quasi-public, and light industrial uses. Standard densities range from two units an acre to six units an acre, with a maximum of 10 units an acre. The current average density in Lehigh Acres for those areas designated Urban Community is less than 0.4 du/ac.

Central Urban is characterized as the "urban core" of the County. It is recognized as a part of the County that is or will be heavily settled, and with the greatest range and highest levels of urban service—water, sewer, roads, schools, etc. It is also meant to be the area in which public services could be readily extended to serve the outward expansion of central urban development that would be expected and which would be fostered at urban levels of density and intensity. The Central Urban designation, which encases much of Lee Boulevard, Joel Boulevard, and Homestead Road, covers approximately one quarter of Lee Acres. According to the Lee Plan, "Central Urban" is geared toward a range of land uses including residential, commercial, public, quasi-public, and light industrial. The Central Urban category was given a standard density range from five dwelling units per acre to 10 dwelling units per acre, and a maximum density of 15 dwelling units an acre. By comparison, the average density in the Central Urban area of Lehigh Acres today is less than 1 du/ac (.83 du/ac).

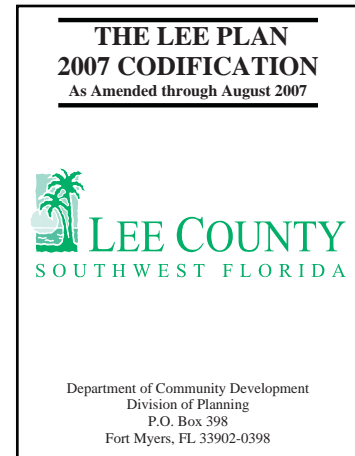

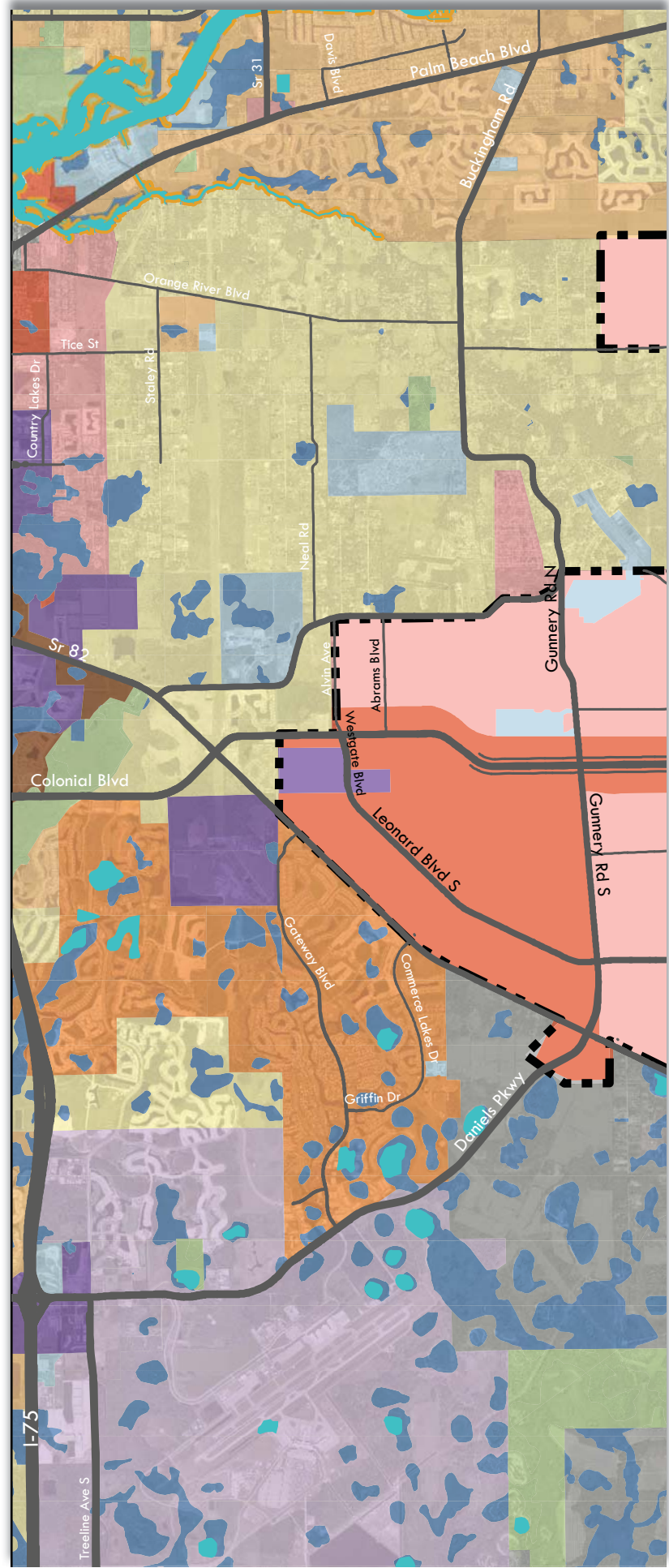
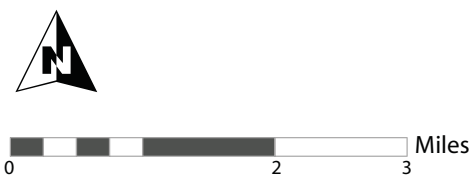
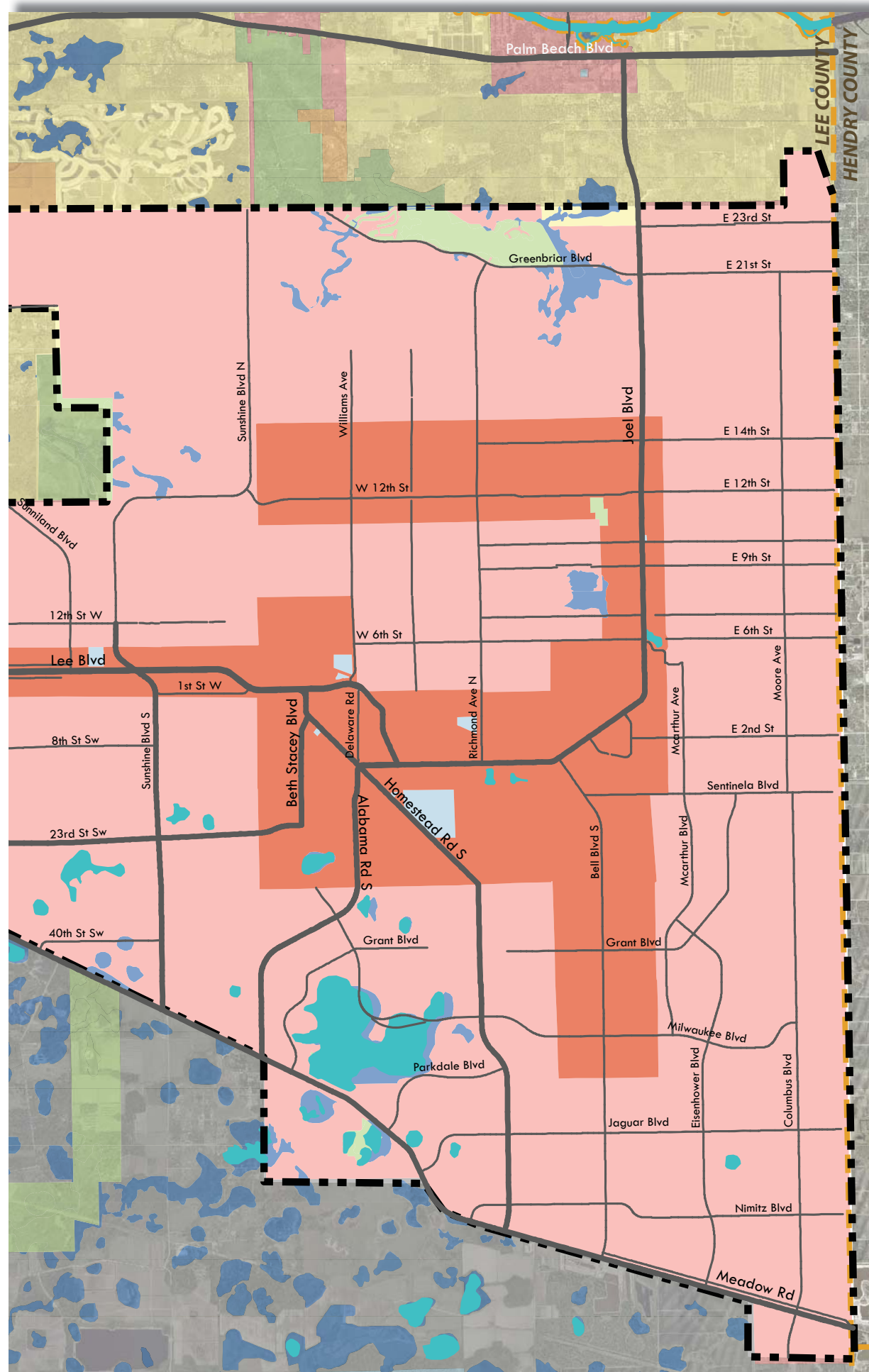


Figure 15: Future Land Use

Source: Lee County GIS

-  Central Urban
-  Urban Community
-  Intensive Development
-  New Community
-  Suburban
-  Rural
-  Industrial
-  Airport
-  Public Facilities
-  Conservation
-  Wetlands
-  Density Reduction





With over 95,000 of 125,500 parcels (comprising nearly 32,500 acres) currently vacant and falling into these two, very broad and potentially intensive future land use categories, Lehigh Acres could face a dramatic increase in the demand for services. While the platted pattern and the existing stipulated agreements presumably will prevent certain areas designated under either of these two categories from actually being built to the maximum density specified in the Future Land Use Plan, the delivery of necessary infrastructure—particularly the provision of water and wastewater infrastructure—will become an increasingly critical issue if development is not more strategically directed.

This challenge is compounded by standing exemptions allowing some sections of Lehigh Acres to not meet transportation concurrency. Despite any exemptions, development will have to be monitored so as not to overextend the current or planned infrastructure capacity for roads, water, or sewer, among other services.

Any effort to meet the future demand for services and amenities will be hindered by the current allocation of “public facilities” land in the Future Land Use map, which designates only 430 acres (or, equivalently, 0.01 percent of total land in Lehigh Acres) into this category. With much of this very limited amount of land already being utilized for public schools, parks, and other governmental facilities, the allocation reflects existing conditions more than planning for anticipated demand.

Based on the future land use designations in the Lee Plan, the pattern of growth envisioned for eastern Lee County sets Lehigh Acres as an island of “urban” development surrounded by distinctly low and very low-density areas. For example, to the south of SR-82/Immokalee Blvd., much of the land along Lehigh Acres’s southern border is categorized as Density Reduction/ Groundwater Recharge (DR/GR) or Wetlands, meaning that only very low densities will likely be permitted and limited or no services will be provided by the County. A newly prepared plan for this area recommends the types of land uses appropriate for the DR/GR, and their locations.

To the north and west, Lehigh Acres is surrounded by “Rural” and “Conservation” land, which has similar implications regarding the density of growth and extension of services as the DR/GR and Wetlands areas. To the east is Hendry County, which, at present and for the foreseeable future, is predominantly rural or developed at very low densities. Therefore, the likely pattern of future development surrounding Lehigh Acres is in marked contrast to the intensity of development designated within Lehigh Acres. This difference supports the notion that Lehigh Acres faces unique growth management issues that distinguish it from surrounding unincorporated Lee County.

Zoning and Land Development Regulations

The Official Zoning Map and the Zoning Regulations are the legal instruments used to control the use of land in Lee County. Lee County provides two types of zoning districts: Conventional Districts and Planned Development districts. Land in Lehigh Acres has been zoned into eight broad zoning categories representing both types of districts (Figure 16). However, multiple subcategories exist under each heading.

Conventional districts control land use through the regulation of the height and bulk of buildings and structures, the minimum area and dimensions of lots, the percentage of lot coverage, minimum open space and yard areas, through the use of setback requirements, the density of population, and the type and intensity of use of the land and buildings. The Conventional Districts that are implemented in Lehigh Acres are the following: Residential; Agricultural; Recreational; Community Facilities; Commercial; and Industrial.

The Zoning Map shows that Residential is the predominant zoning in Lehigh Acres. Four (4) single- and two-family zoning subcategories are represented on the map: Residential Single-Family Districts RS-1; RS-3; RS-4; and Residential Two-Family Conservation District TFC-2.

The RS residential single-family districts provide “opportunities for the suitable location of detached, conventionally built single-family dwelling units and for facilitation of the proper development and protection of the subsequent use and enjoyment thereof.” While the prevalence of RS zoning reflects the intent of the original plat, and is cognizant of the vested rights and related stipulations that affect development in Lehigh Acres, it will also perpetuate the bedroom community character of Lehigh Acres into the future. These residential districts allow for few uses other than dwelling units and ancillary structures. While parks and public schools are permitted, new libraries are not; religious facilities and places of worship require a special permit, and there are no provisions for public safety facilities.

In addition to the single and two-family zoning categories, there is a significant occurrence of Multifamily zoning in Lehigh Acres. There are four Residential Multi-family zoning categories in Lehigh Acres: RM-2; RM-6; RM-8; and RM-10. These categories permit duplexes, multi-family buildings, conventional single-family residences, two-family attached homes, and townhouses. The RM districts are intended for use only within the future urban areas designated by the Lee Plan. In areas zoned RM in Lehigh Acres, duplexes are the predominant use. The concentration of these uses, coupled with the generally inferior design quality of the development, has raised concerns of overcrowding, littering, and crime, among other impacts.

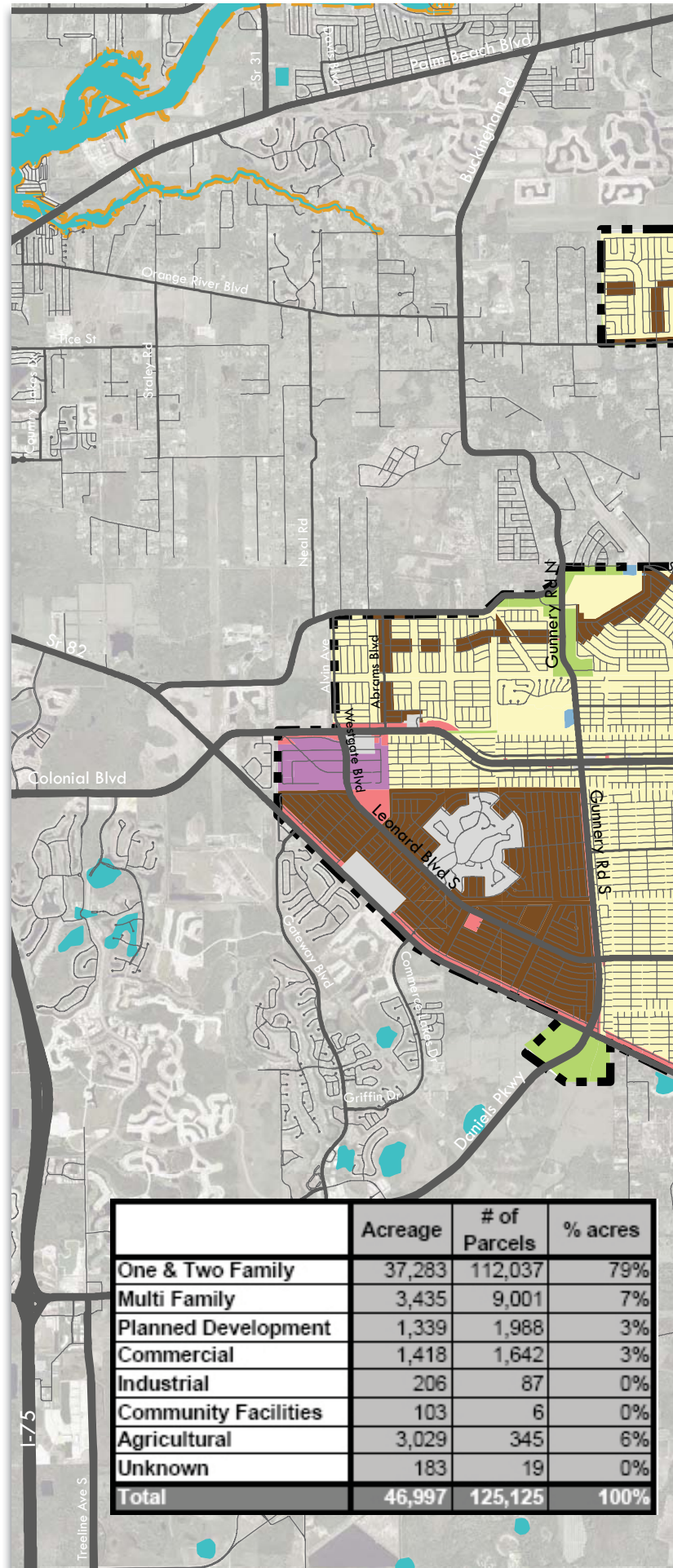


Typical duplex in Lehigh Acres

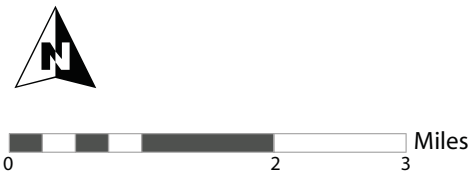
Figure 16: Zoning

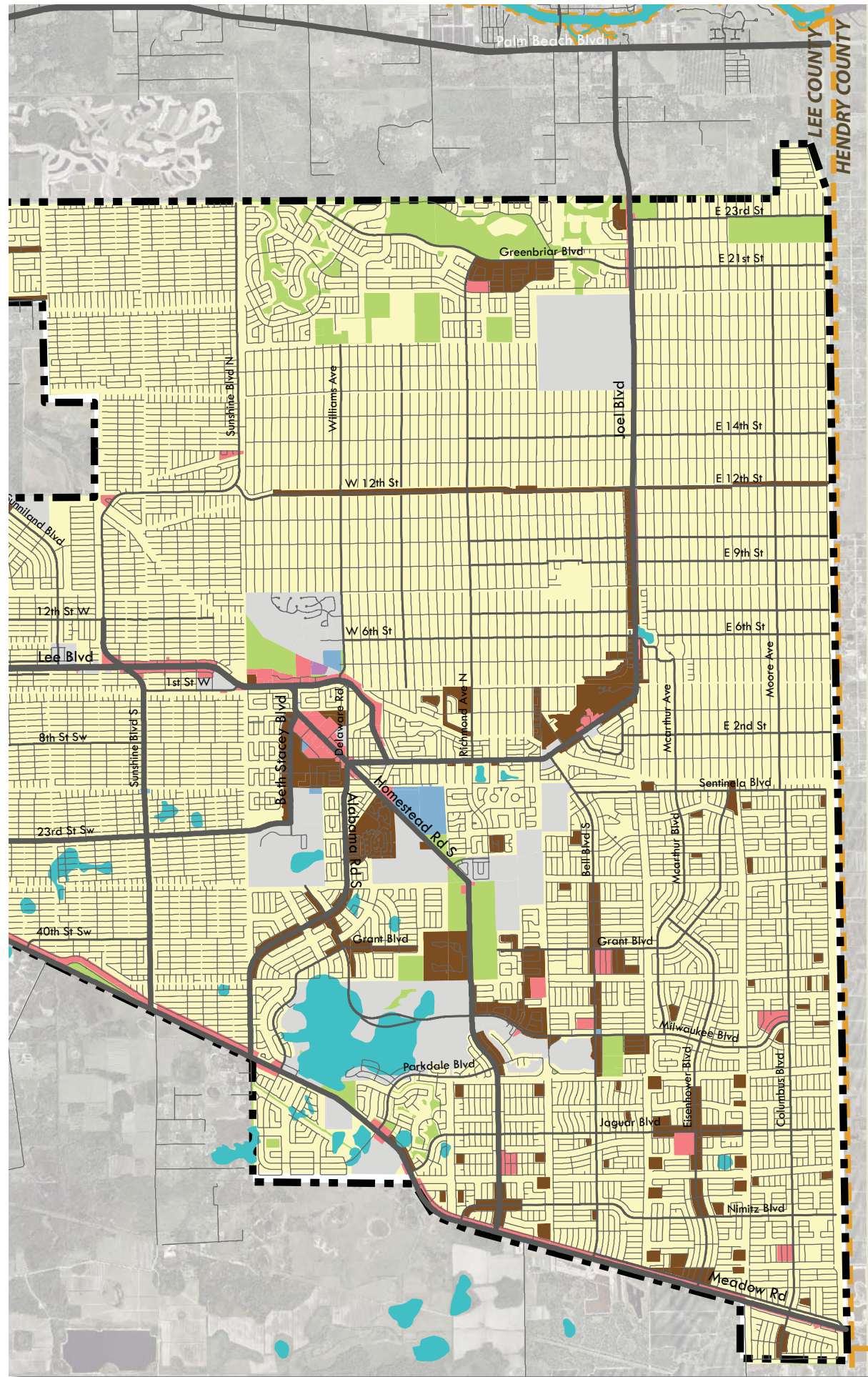
Source: Lee County GIS

- Agricultural (AG-1; AG-2)
- Residential - One & Two Family (RS-1; RS-3; RS-4; TFC-2)
- Residential - Multi-Family (RM-2; RM-6; RM-8; RM-10)
- Planned development (CFPD; CFPD-RPD; CPD; MPD; PUD; RPD; RVPD)
- Commercial (C-1; C-1A; C-2; CC; CG; CN-1; CN-3; CP; CS-1; CS-2; CT)
- Community Facilities (CF-2; CF-3)
- Industrial (IG; IL)



	Acreage	# of Parcels	% acres
One & Two Family	37,283	112,037	79%
Multi Family	3,435	9,001	7%
Planned Development	1,339	1,988	3%
Commercial	1,418	1,642	3%
Industrial	206	87	0%
Community Facilities	103	6	0%
Agricultural	3,029	345	6%
Unknown	183	19	0%
Total	46,997	125,125	100%





Commercial development is permitted primarily in the future urban areas where requisite infrastructure exists or is likely to be extended. In Lehigh Acres, commercial zoning is concentrated in the Central Urban area or along major roadway corridors, but the amount of land designated for this use is very limited relative to the extent of developable area. There are fourteen different commercial categories currently represented within Lehigh Acres, ranging from neighborhood-oriented to highway-oriented. Some of these categories, such as CN (Neighborhood Commercial) are meant to encourage pedestrian activity, reduce the number and length of automobile trips, and improve general convenience for the surrounding residential neighborhoods. However, because commercial zoning tends to be clustered in the central area of the community, the intended benefits of this zoning may never reach many peripheral and isolated neighborhoods in Lehigh Acres. More prevalent seem to be designations in the Central Urban area that allow the development of automobile-oriented “strip” commercial. Further, in these areas, the depth of parcels is often not sufficient to allow a different development pattern, nor the introduction of transitional uses between commercial and residential uses, such as office.



Recent “strip” commercial development along Lee Boulevard

The Zoning Regulations state that, “subsequent to August 1, 1986, with the exception of rezonings to recognize and accommodate existing developments, no parcel of land of ten or more acres in size shall be rezoned to any of the conventional commercial districts.” The County has adopted an amendment to the Lee Plan creating Mixed-Use and Commercial use overlays, some of which apply in Lehigh Acres. However, the Lehigh Acres commercial overlays appear to extend primarily to areas that are designated commercial zoning or planned development today. Therefore, progress toward dispersing commercial activity to serve development outside the urban core is limited.

There are also three industrial zoning categories represented in Lehigh Acres, although very small in area and located primarily at the western edge of Lehigh: IG, IL, and IPD. The IL is devoted to light industrial and quasi-in-

dustrial commercial uses that typically take place within enclosed buildings. The IG district is for heavy industrial uses which have the potential of producing extensive adverse impacts on surrounding land uses or resources. The principal use of the IPD industrial planned development district is the manufacture of goods and materials, and the storage and wholesale distribution of such goods and materials. The IPD district permits many services and activities not allowed elsewhere and a limited number of commercial uses intended to serve principally the employees or patrons of businesses within the IPD.

There are three types of community facility zonings within Lehigh Acres: CF-2, which is primarily to accommodate social and limited health related services; and CF-3, which primarily accommodates government service facilities. These zoning districts are also concentrated in the Central Urban area of the community. These zoning categories include parks, but there is no separate zoning category in the Ordinance to designate open space, recreation facilities, or parkland.

There are also some significant tracts zoned Planned Development (PDs). The PD districts “*encourage the arrangement of a compatible variety of uses on suitable lands in such a manner that the resulting development will realize the goals, objectives and policies of the Lee Plan.*” The PD zonings are concentrated in the south central part of Lehigh Acres and encompass existing or ongoing large-scale developments.

Special Overlay Districts

Mixed Use Overlay

“Mixed Use Overlay” was added the list of Future Land Use Map categories during the 2005-2006 Lee Plan amendment cycle. The new category may be applied to locations that are in close proximity to public transit routes, educational facilities, recreation opportunities, or existing residential, shopping and employment centers. The overlay is meant to stimulate developments with a range of housing opportunities; walkable neighborhoods; distinct character; and a mix of uses and design concepts that lessen the burden on traditional roadway infrastructure, such as increased transit service, internal trip capture, and reduced travel distance. By 2009, language will be incorporated into the Land Development Code that steer development in Mixed Use Overlay Districts toward New Urbanist design principles and address issues such as building placement, volume, and facade, pedestrian amenities, parking, open space and buffering, and human-scale streetscapes.

Commercial Overlay

One of the most important initiatives resulting from the Lehigh Acres Commercial Land Use Study Implementation Report was to create commercial overlay zones in Lehigh Acres. In order to create the three new Commercial Overlay Zones and identify specific land parcels for each, the Lee Plan Future Land Use Map was revised and these amendments were enacted in 1998.

The first zone, 'Lehigh Commercial' (Policy 1.8.1), was created for the most promising commercial lands. The creation of new single family lots smaller than one acre are not permitted in the zone; however, residential uses that provide housing alternatives, schools, parks, other public facilities, churches and synagogues may be developed on smaller lots.

The second zone, 'Reclaimed Strip' (Policy 1.8.2), designates portions of existing commercially zoned strips along Gunnery Road and S.R. 82 that could be reclaimed for actual commercial use. While the reclamation of these zones was contingent on the adoption—which occurred recently—of a Corridor Access Management Plan for S.R. 82, the reclaimed zones encompass long but narrow bands of land that face residential neighborhoods and which will use residential collector roads as the primary access ways for the vehicular traffic generated by commercial uses. Further, the underlying C-2 zoning also allows for residential uses to occur on these parcels, consistent with the vested rights agreements. Through the analysis of land use patterns and other factors, it is apparent that this arrangement may not be as effective as originally thought to add viable commercial parcels to the inventory of community serving land in Lehigh Acres.

The last commercial overlay zone designates areas suitable for 'Lot Assembly' (Policy 1.8.3), which encourages private assembly of individually owned lots to create suitable commercial parcels. However, without further incentive, it is questionable if developers will undertake assembly of individually owned single-family lots.

III.4 Community Structure/Urban Design

The block pattern in Lehigh Acres, while generally rectilinear, lacks continuity and consistency (Figure 17). Many of the streets running north/south are slightly offset from one another between one block and the next, and canals running both north/south and east/west frequently bisect roads, disrupting the flow of the grid. As a result, the street pattern is not intuitively navigable; there is no discernible hierarchy (major arterials excepted) or identifiable community structure. This, coupled with the lack of memorable landmarks, the absence of compelling natural form-givers, and generally undistinguished architecture, is detrimental to the community's visual identity and its sense of place. These factors also have a negative effect on wayfinding, as well as (potentially life-threatening) on the timely delivery of emergency services.

Another challenge of the subdivision layout is that blocks tend to be too long to be pedestrian-friendly. As a rule of thumb, pedestrians are willing to travel between ¼- to ½-mile (1,320-2,640 feet)—between five and ten minutes—between origin and destination; say from their residence to a node of commercial development or a community facility. Most of the blocks west of Sunshine Boulevard, which are in a general grid formation and oriented east/west, average 850 long and 325 feet wide. East of Sunshine Boulevard North and north of Lee Boulevard, Leeland Heights Boulevard and Sentinela Boulevard, the blocks are even larger—1,300 feet by 470 feet.

The remaining blocks in Lehigh Acres, east of Alabama Road South and south of Leeland Heights Boulevard and Sentinela Boulevard, are inconsistently sized and inconsistently oriented, forming an irregular mix of grid and curvilinear streets. The dispersion of development and the imbalanced mix of land uses compound the challenge to create a rational community structure in Lehigh Acres, with humanly scaled, pedestrian-friendly, cohesive and identifiable neighborhoods.

A number of “neighborhoods” (subdivisions) have been platted in Lehigh Acres over the years, but their scale is in the order of small-sized suburban communities. Some of the largest (as measured by the number of lots) include:

Development	Total Units	Developed Lots	Total Acres	Developed Acres
Greenbriar	4,989	1,089	2,098	709
Lehigh Estates	4,687	1,502	1,525	491
Mirror Lakes	3,805	1,051	1,890	681
Southwood	2901	370	800	102
Lehigh Park	1781	451	745	198
Twin Lake Estates	1321	218	388	68
Leeland Heights	894	623	320	228
Willow Lake	726	721	193	191
Parkwood	688	589	174	162
Country Club Estates	648	565	207	175
Westminster	612	578	195	107

Table 4: Lehigh Acres Platted “Neighborhoods”

These “neighborhoods” are primarily designated for residential use; however, the majority of the land in these subdivisions remain vacant. Because development is very scattered and there is no central commercial node or community complex in these “neighborhoods,” many lack a discernible visual identity and functional cohesion.

More noticeable from the community-wide land use pattern is a community framework or structure based on densities of development and level of service availability, and consisting of three major sectors, bands, or tiers (Figure 18). The first sector can be characterized as the “urban core” of Lehigh Acres, the older area of the community, generally extending linearly along the Lee Boulevard, Homestead Road, Alabama Road corridors, which has had time to develop more fully and is served by a complete or near-complete array of public services—central water and sewer, urban roads, schools, libraries, and parks, etc. The second band, which adjoins the core on its north, southeast and southwest sides, is less developed, but it is evolving gradually into a suburban character area. Services are either available or accessible/extendable from the core. The third band, extending outward to the north and east of the first two, is sparsely developed and few or no services exist or are planned to be extended in the foreseeable future.

Figure 17: Block Pattern

Source: WRT based on Lee County GIS

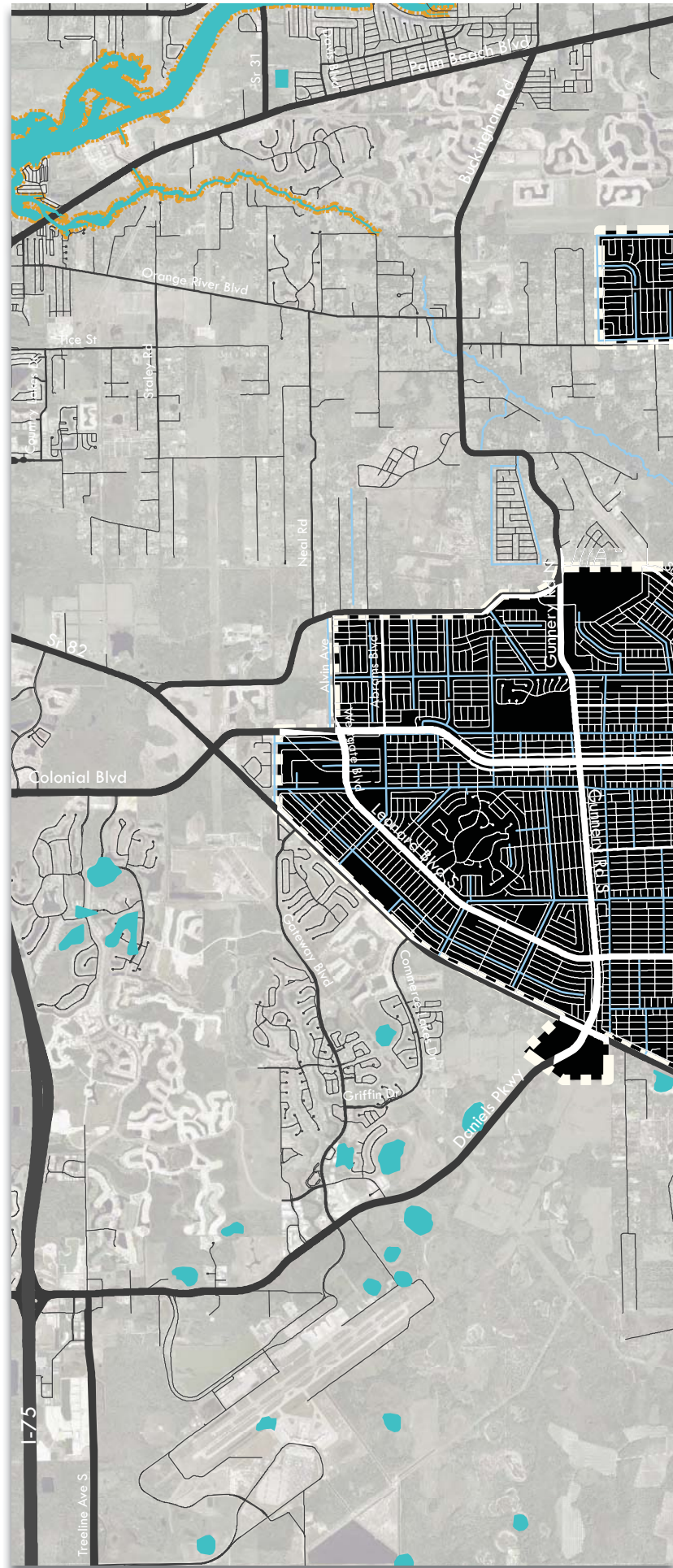
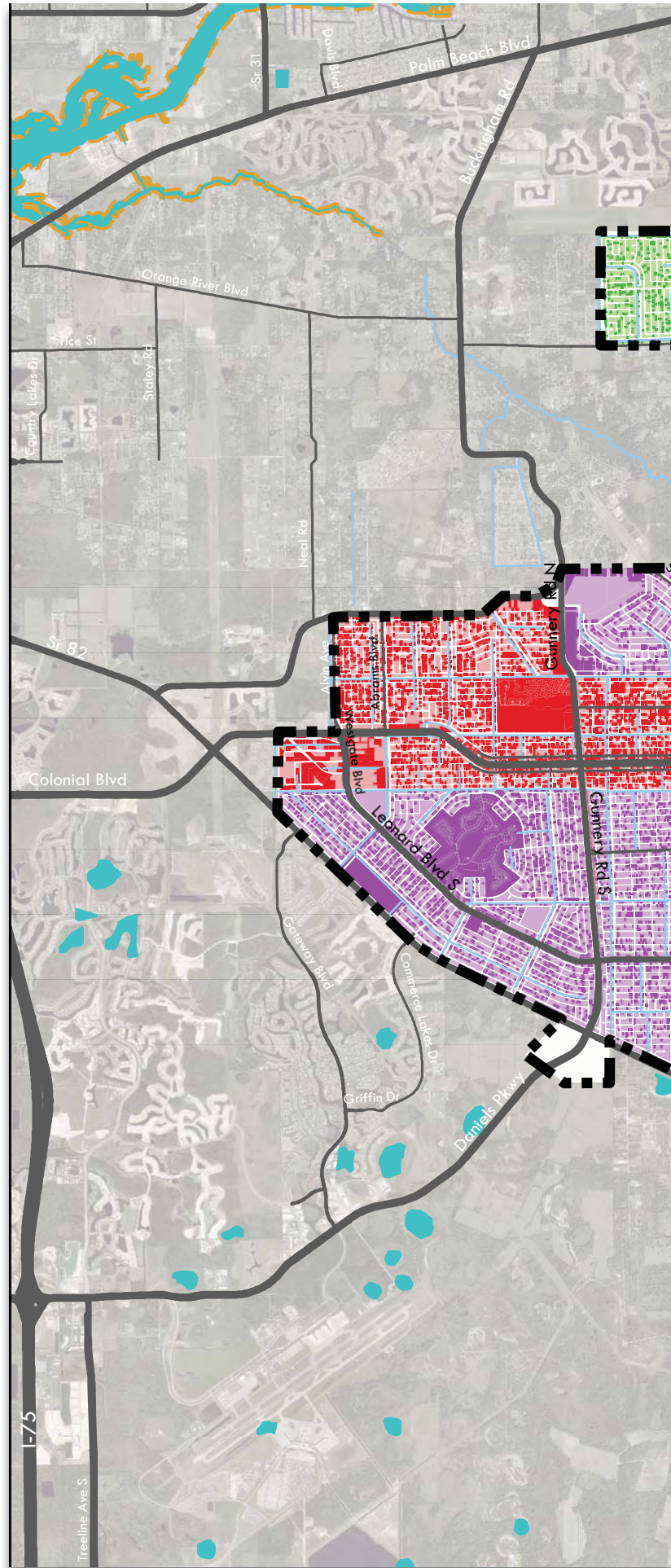
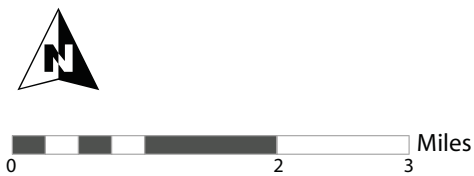


Figure 18: Community Structure

Source: WRT based on Lee County GIS

- Predominantly developed
- Partially developed
- Sparsely developed



III.5 Natural Factors

Natural features have not played a major role in shaping Lehigh Acres, nor have they been a major constraint to development. Historic aerial photos show that this region was primarily pine flatwoods and wetlands, which at some point may have covered as much as 80% of the area. While development has occurred in many of these areas, wetlands are still present in Lehigh Acres, as evidenced by the soil conditions analysis that follows. A new wetlands mapping effort was part of the East County Water Control District's Lehigh Headwaters Initiative (Figure 19). Pursuant to the Clean Water Act, a permit from the Army Corps of Engineers is needed to place fill material into wetlands and other waters. Where wetlands are present, a permit from the Corps is also required before construction can be approved.

Water Resources / Management

All of Lehigh Acres falls within either of the two basins of the Caloosahatchee River Watershed: the West Caloosahatchee basin in the northern part and the tidal Caloosahatchee in the southern part of Lehigh. High recharge (water added to groundwater) to the water table is prevalent along the southern portions of tidal Caloosahatchee. (Figure 20) Lehigh Acres is the headwaters area of streams and rivers including the Caloosahatchee River, Orange River, Hickey's Creek, Bedman Creek, Estero River and Imperial River and sheet flow areas also provide substantial recharge to the sandstone aquifer. Past and ongoing studies suggest that historical drainage activities have compromised the hydrological and ecological functions provided by this area.

Last April, the East County Water Control District (ECWCD) proposed 'The South Lehigh Acres Historic Flow Restoration' project aimed at reducing the surface water flow impacts on the three natural outfalls from the district by increasing storage in the system, rerouting surface water flows, and developing basin interconnections. This project would result in improved water quality, storage and ground water recharge in the subject area by implementing the needed drainage improvements necessary to reestablish the natural discharge routes and interconnections of the ECWCD with the Caloosahatchee River and Estero Bay.

The purpose of the Lehigh Headwaters Initiative is to develop and guide future modeling, planning and design objectives, minimize environmental impacts and identify opportunities for restoration and enhancement of natural resources within and adjacent to the ECWCD. With sparsely developed single-family residential areas in the northern and southern sectors of the community, and some fairly densely developed sections in the central area, Lehigh Acres produces a large amount of stormwater runoff that flows through the network of canals into Bedman Creek, Hickey's Creek, the Orange River, Able Canal, and the Caloosahatchee River.

The ECWCD drainage network comprises of 589 canals running a cumulative length of about 356 miles. Notwithstanding the abundance of canals, the findings of ECWCD studies show a clear need to expand water storage and recharge areas in the community to handle present and future demand. The ECWCD Comprehensive Water Resources Plan projects a need of 3,700

acres of additional stormwater management facilities when the community is built-out. Continued development of the northern part of Lehigh Acres alone will produce excessive stormwater runoff into the Bedman and Hickey Creeks, threatening serious flooding and water quality problems.



Lehigh Acres ECWCD Drainage Canals



Water for urban and agricultural uses in the Lower West Coast (LWC) Planning Area, which includes Lehigh Acres, comes from surface water and three major aquifer systems: the Surficial Aquifer System (SAS), the Intermediate Aquifer System (IAS) and the Floridan Aquifer System (FAS). The SAS is typically divided into two aquifers, the water table and Lower Tamiami. The IAS also includes two aquifers in much of the LWC Planning Area, the Mid-Hawthorn and the Sandstone. The main aquifer resources for the Lehigh area are the Sandstone Aquifer and the Lower Tamiami Aquifer.

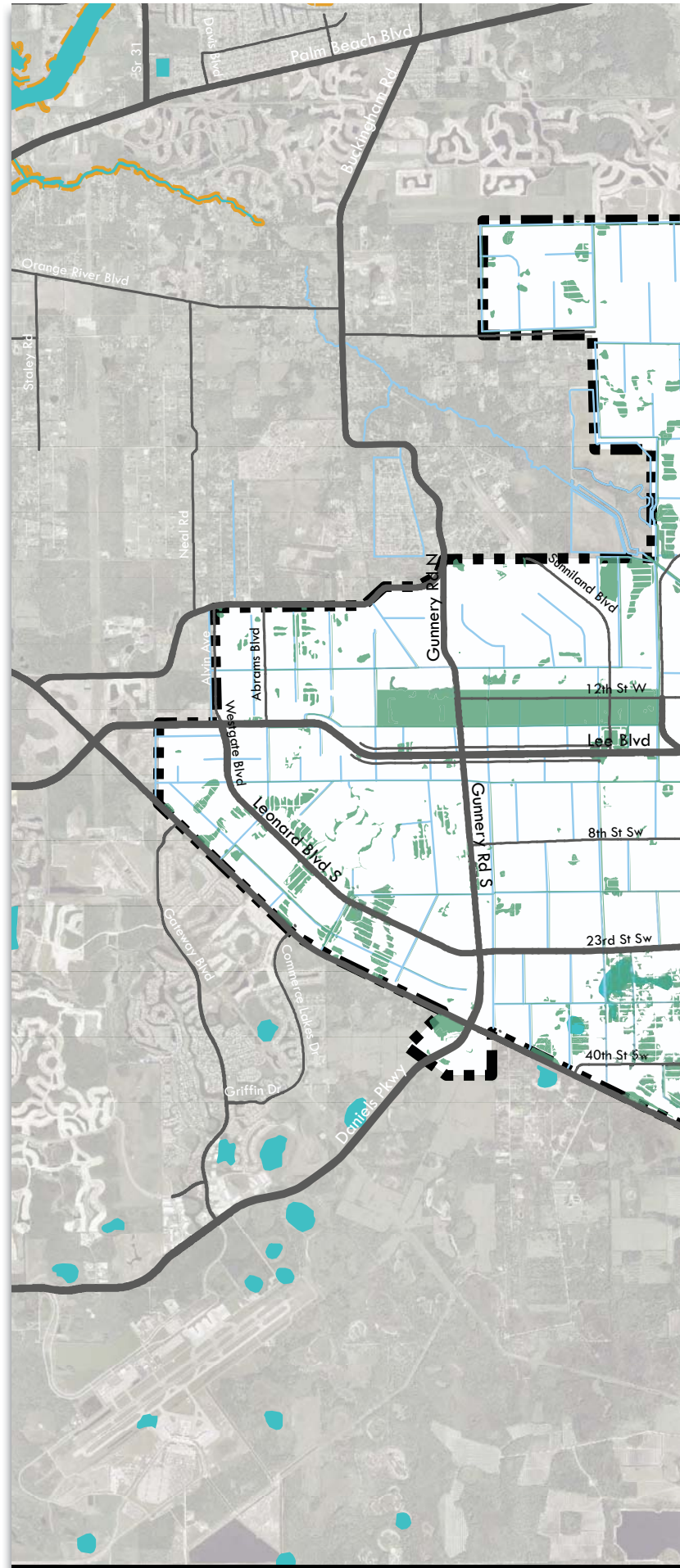
According to the *LWC Water Supply Plan Update: Issue Identification*, surface water drainage features have significantly impacted groundwater levels in many areas of Lee County, including Lehigh Acres. The SFWMD points out that the water levels in the Sandstone Aquifer in Lehigh Acres remain low and show a declining trend and significantly increased seasonal water level fluctuations associated with increased pumpage. Chronic water shortage conditions develop during dry periods for users of the SAS and the IAS. Concentrations of domestic wells in the area that pump from the same aquifers results in seasonally low water levels and contributes to well failures and water quality deterioration. Population increases that result in construction of additional domestic wells each year exacerbates these problems.

Another issue of concern is the increasing number of emergency permits being requested to deepen existing wells that have gone dry during the drought season. SFWMD suggests consideration of the following alternatives to the continued development of these resources for high-density domestic self-supply: Accelerating the extension of public water supply lines, coupled with mandatory hook-up to available municipal lines and required proper abandonment of domestic wells should be considered; and modifications to existing landscape ordinances to further minimize outdoor water needs should also be evaluated.

Figure 19: Wetlands

Source: ECWCD GIS

Wetlands



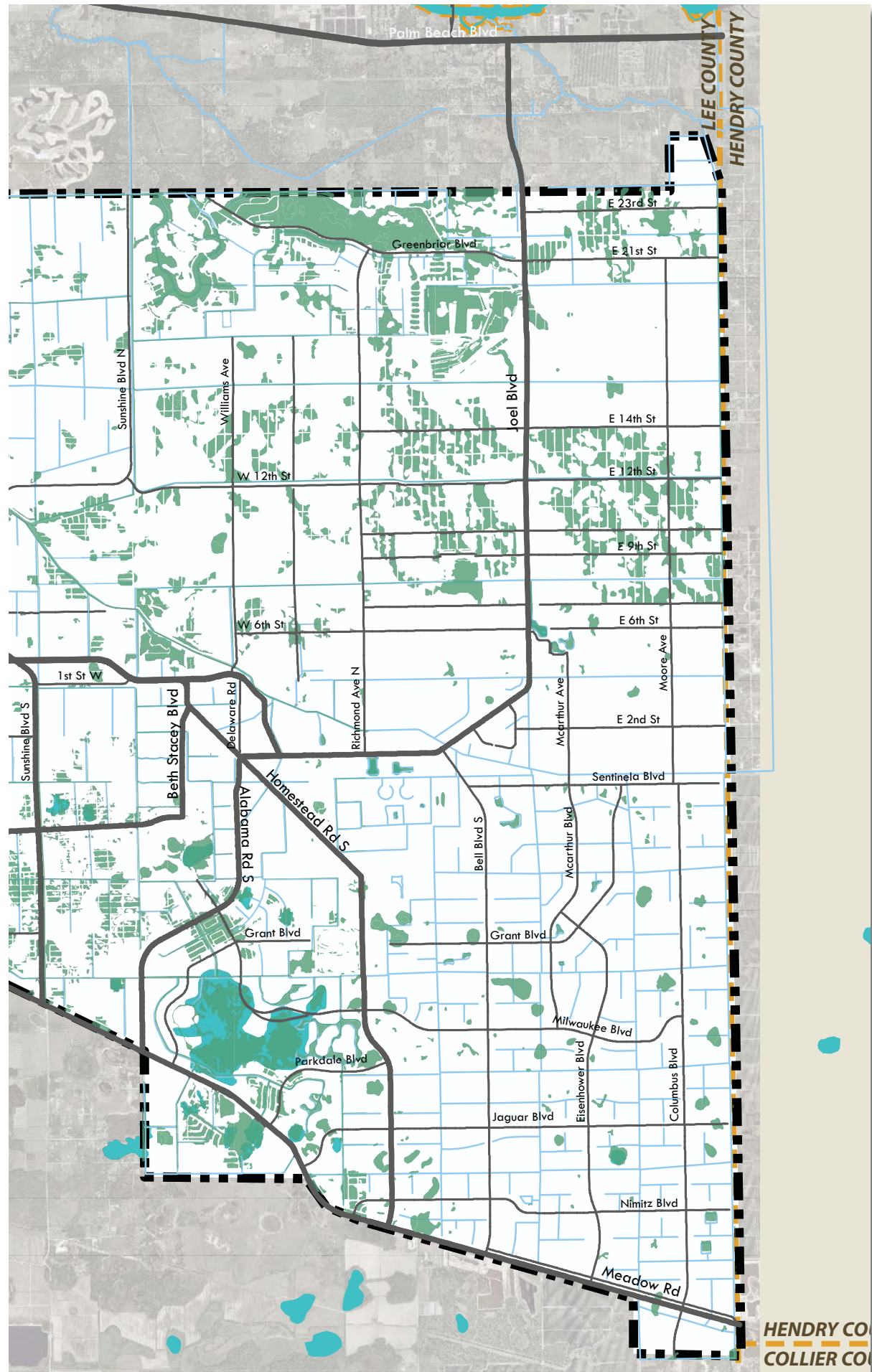
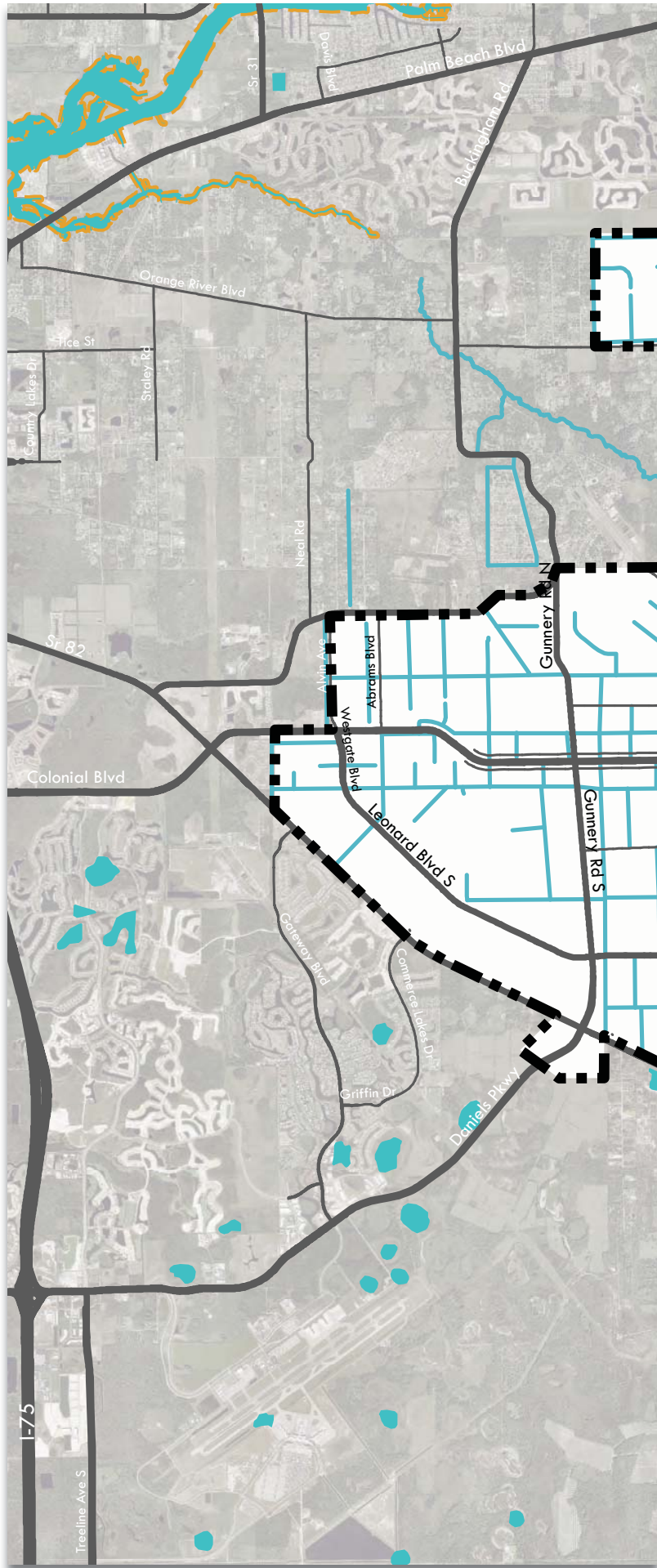
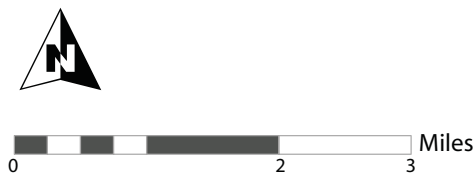
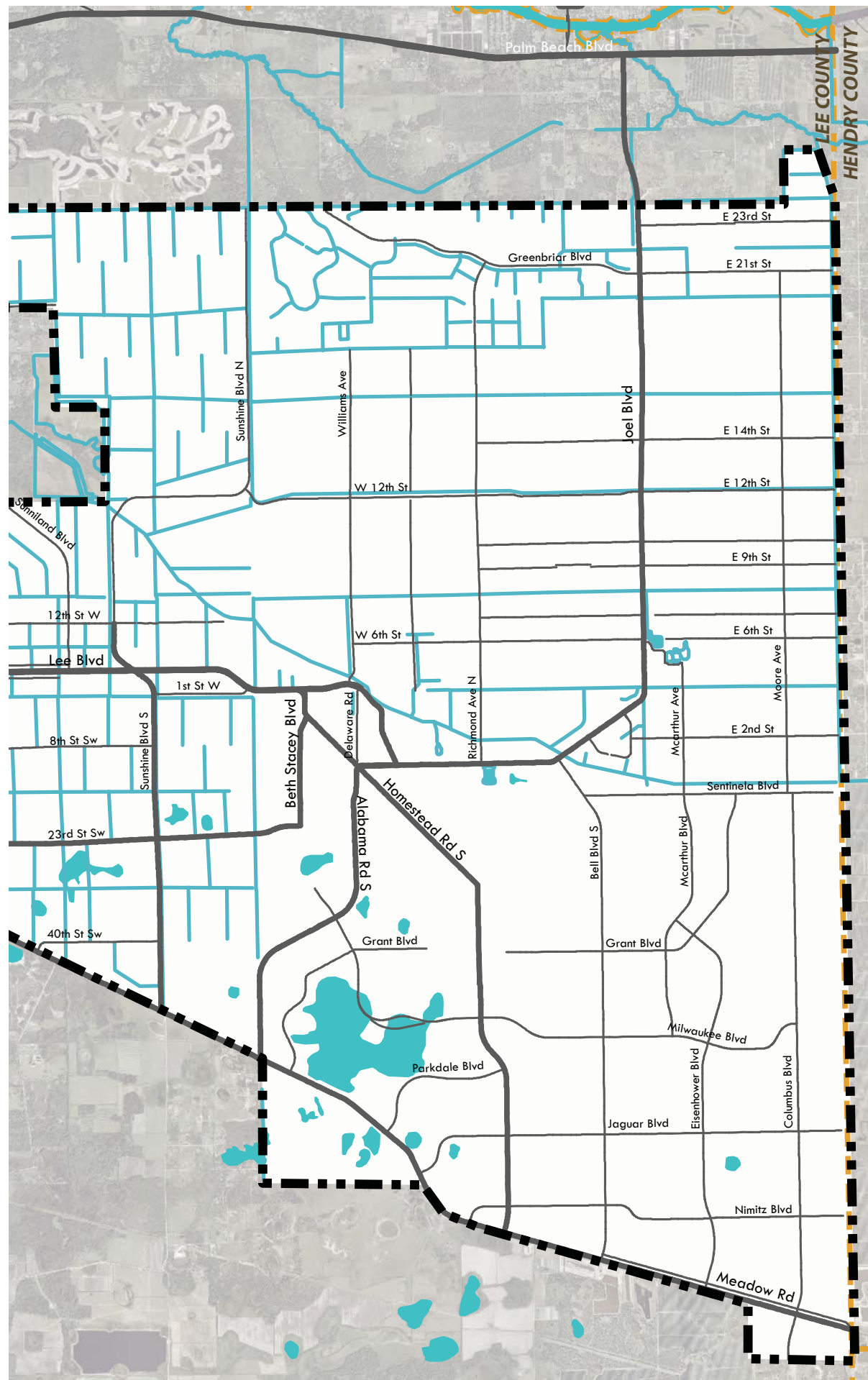


Figure 20: Water Resources / Management

Source: Lee County Mitigation Master Plan

— Flowways





III.6 Transportation

The roadway network in Lehigh Acres is functionally classified into arterials, collectors, and local roads. Today (as seen in Figure 21) Lee Boulevard is the only major arterial that provides direct access from the urban areas of the County into the heart of Lehigh Acres. However, only SR 82 provides a continuous link to the regional roadway network, to downtown Fort Myers via MLK Blvd. (and north, across the Caloosahatchee River, connecting to US 41/Tamiami Trail); and south through Hendry and Collier Counties, to I-75/Alligator Alley via SR 29. Similarly, Gunnery Road is the only continuous north-south arterial that crosses Lehigh Acres. Sunshine Boulevard, Alabama Road, Homestead Road, and Joel Boulevard provide partial connectivity to the north and south portions of Lehigh Acres and to the surrounding areas. The southern half of Lehigh Acres is better served by arterials, while northern half is crisscrossed primarily by collector streets.

Although the pattern of streets in Lehigh Acres is a basic grid, many of the local streets terminate at canals, disrupting the network flow and hindering continuous circulation (Figure 22). Currently, there are only thirty-three (33) canal crossings throughout the nearly 100 square miles in Lehigh Acres, whereas in Cape Coral, with similar conditions, the number of bridges is 154 and in Fort Myers, 83. Of the total number of bridges in Lehigh Acres, only seven (7) are maintained by Lee County. Twenty-two (22) others are maintained by the East County Water Control District. How the responsibility for new bridge construction projects is allocated between these entities is unclear.

The road network deficiencies are compounded by the fact that many of the local streets do not align from block to block. The Sheriff's Department and the Fire District have reported that emergency response times are increased due to the lack of street continuity and difficulty of navigating a roadway network that is not intuitive.

Road conditions are also a concern. Many of the local roads do not meet current County standards for right-of-way width, and, as shown in Figure 23, are in extremely poor condition due to their age, initial construction quality, and lack of regular maintenance. Over 50% of all roads, and over 70% of local roads in Lehigh Acres are classified as "poor" to "failing" condition by the Lee County Department of Transportation. In 2006, the cost of resurfacing every street in need within Lehigh Acres was estimated to exceed \$70,000,000. While Lee DOT considers road maintenance a matter of public



Examples of the range of road conditions in Lehigh Acres.

health, safety, and welfare, with limited funding only a small number of resurfacing projects can be prioritized from year to year. In FY 2008, the County's Resurfacing Roadway Improvement program targeted 41 such projects in Lehigh Acres, at a cost of nearly \$1 million.

Levels of Service (LOS)

The State's Growth Management Act (Chapter 163, Part II, F.S.) requires that counties establish levels of service for roadway facilities and a plan for ensuring that those levels of service are maintained. The Lee Plan states the County's commitment to maintaining specified levels of service, including a Level of Service E (LOS E) on County arterials and collectors. A key component of the Growth Management Act is the provision for "concurrency," which requires adequate services and facilities, including roadways, to be available concurrent with the impacts of development.





Today, thanks to a series of improvement projects that Lee County has undertaken during the past decade, most of the major roads in Lehigh Acres perform at or above the adopted LOS based on 2007 traffic counts (Figure 24). However, according to the link-by-link analysis that is used by the County, five (5) links of SR 82 (from Colonial Blvd. to Commerce Lakes Dr.; from Commerce Lakes Dr. to Gunnery Road; from Gunnery Road to Alabama Road; from Alabama Road to Alexander Bell Blvd; and from the latter to the Hendry County line) fail to meet the LOS standard. The State is in the process of conducting a PD & E study to widen SR 82 to six (6) lanes from Colonial Blvd. to the Hendry County line.

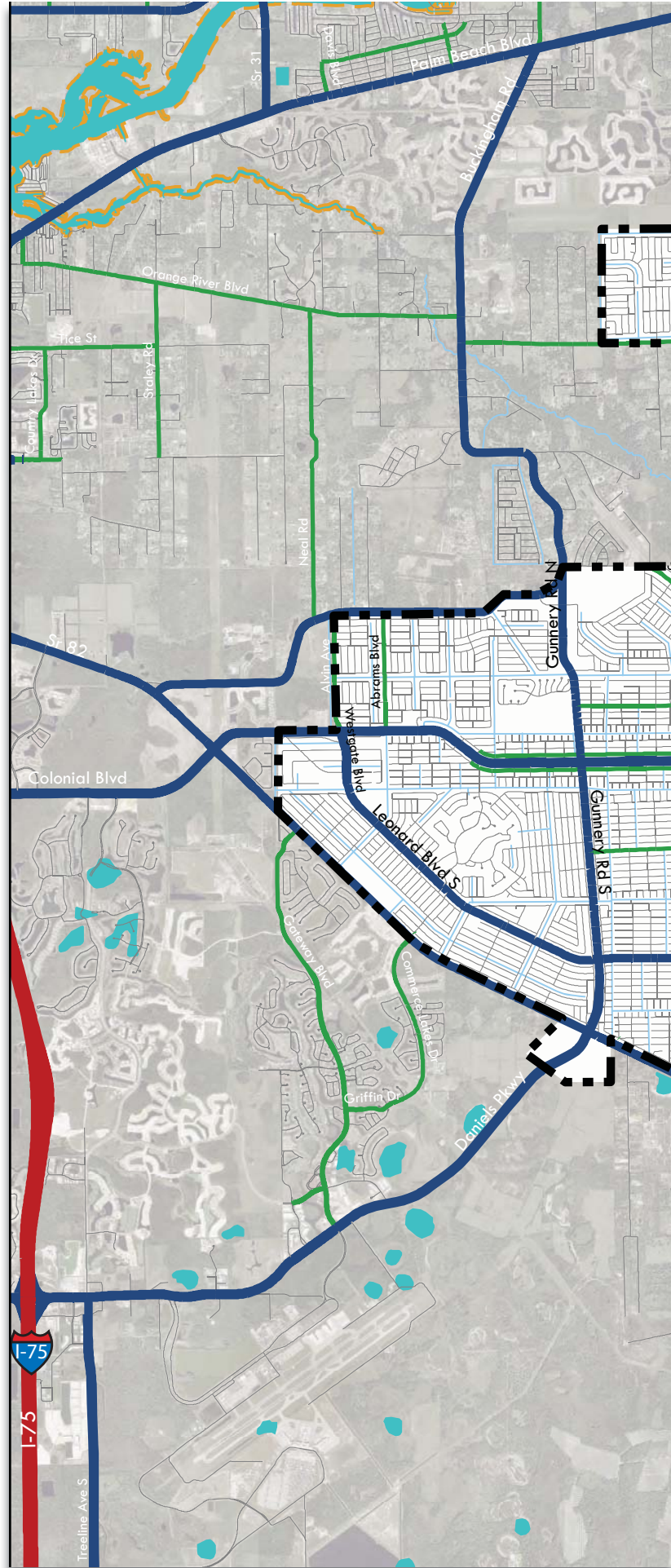
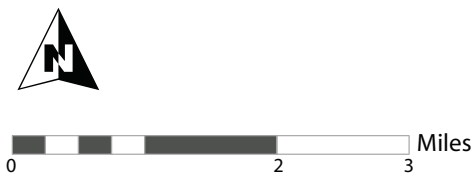
In the area immediately surrounding Lehigh Acres, two important roadway links (while meeting LOS today) have the potential to fail in the future. The first one is that segment of Buckingham Road between Orange River Blvd. and Palm Beach Boulevard; no improvements are planned for this road segment at this time. The second one is a segment of Daniels Parkway between Chamberlin Parkway and Gateway Boulevard. This segment is scheduled to be widened to six (6) lanes in 2012/13.

While Lee County and FDOT have undertaken substantial efforts (as evidenced in Figures 24 and 25) to maintain roadway Level of Service standards in and around Lehigh Acres, the community may be faced with significant mobility challenges in the future, when growth recurs. This is because—while the premise of concurrency is that adequate roadway facilities will be provided in order to achieve and maintain the adopted LOS standard, or, in their absence, development permits may not be issued—a majority of lands in Lehigh Acres (refer to Figure 9) are vested from the transportation concurrency provisions under a Stipulated Settlement Agreement (SSA) which Lee County and the developer of Lehigh Acres entered into in 1992. The 1992 SSA states that a Certificate of Concurrency exemption ("Certificate of Exemption"), issuable only to property identified as vested in the Agreement (per Figure 9), excuses the exempt property from compliance with the level of service standards set forth in the Concurrency Management Ordinance No. 89-33, as amended, (the "Concurrency Ordinance"). This means that permits could continue to be issued in Lehigh Acres for residential development on those lands that are vested for concurrency purposes, even if concurrency requirements are not met.

Figure 21: Transportation Network

Source: Lee County GIS

-  Highway/freeway
-  Arterial
-  Collector
-  Local



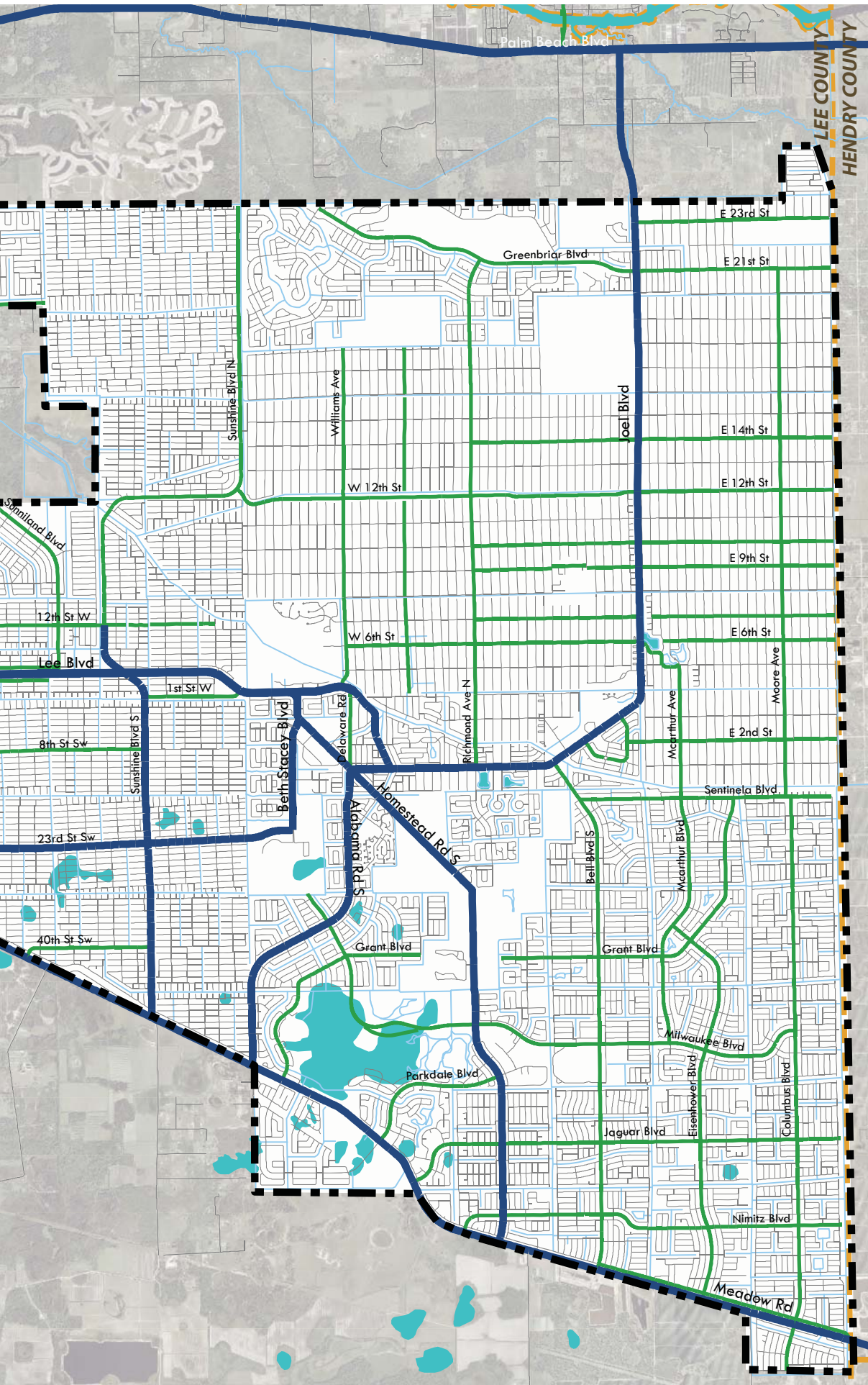




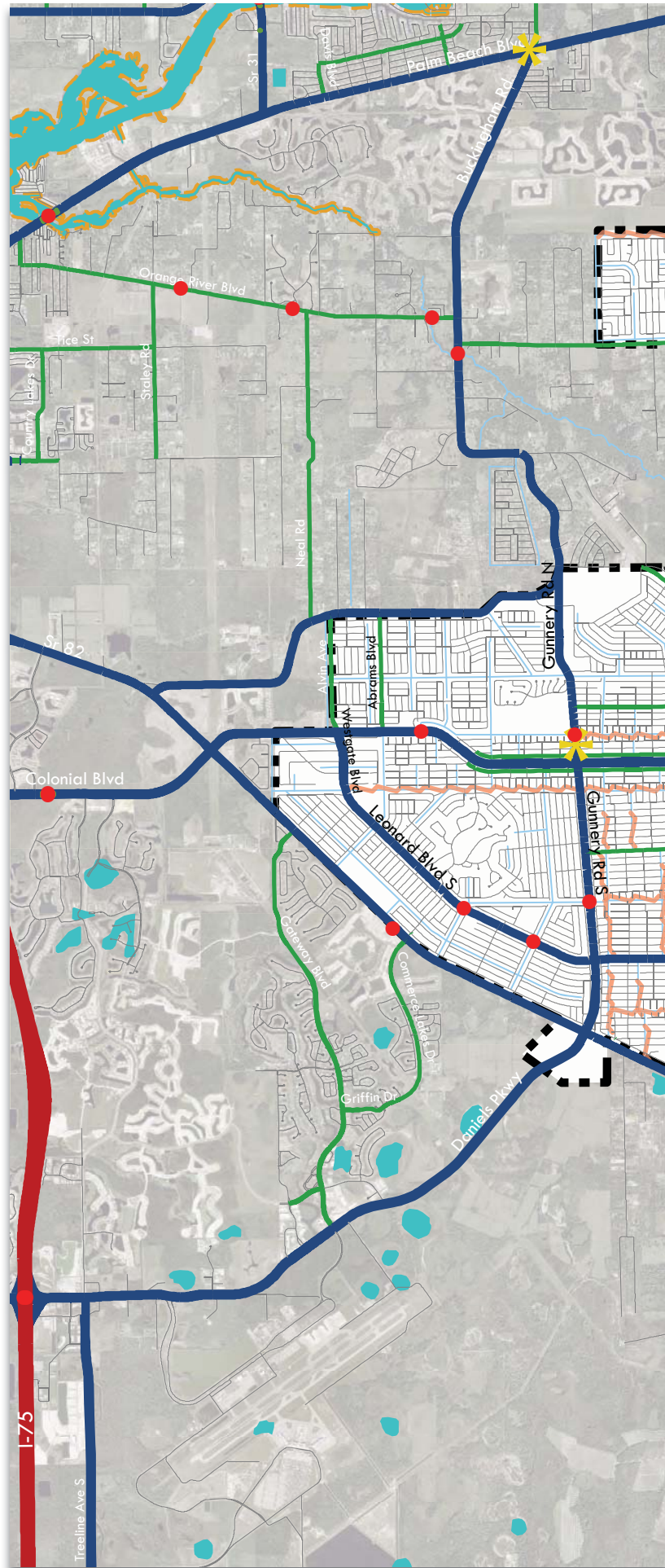


Figure 22: Connectivity and Safety Conditions

Source: Lee County GIS

-  Highway/freeway
-  Arterial
-  Collector
-  Local
-  Bridge
-  High crash sites
-  Network disconnects



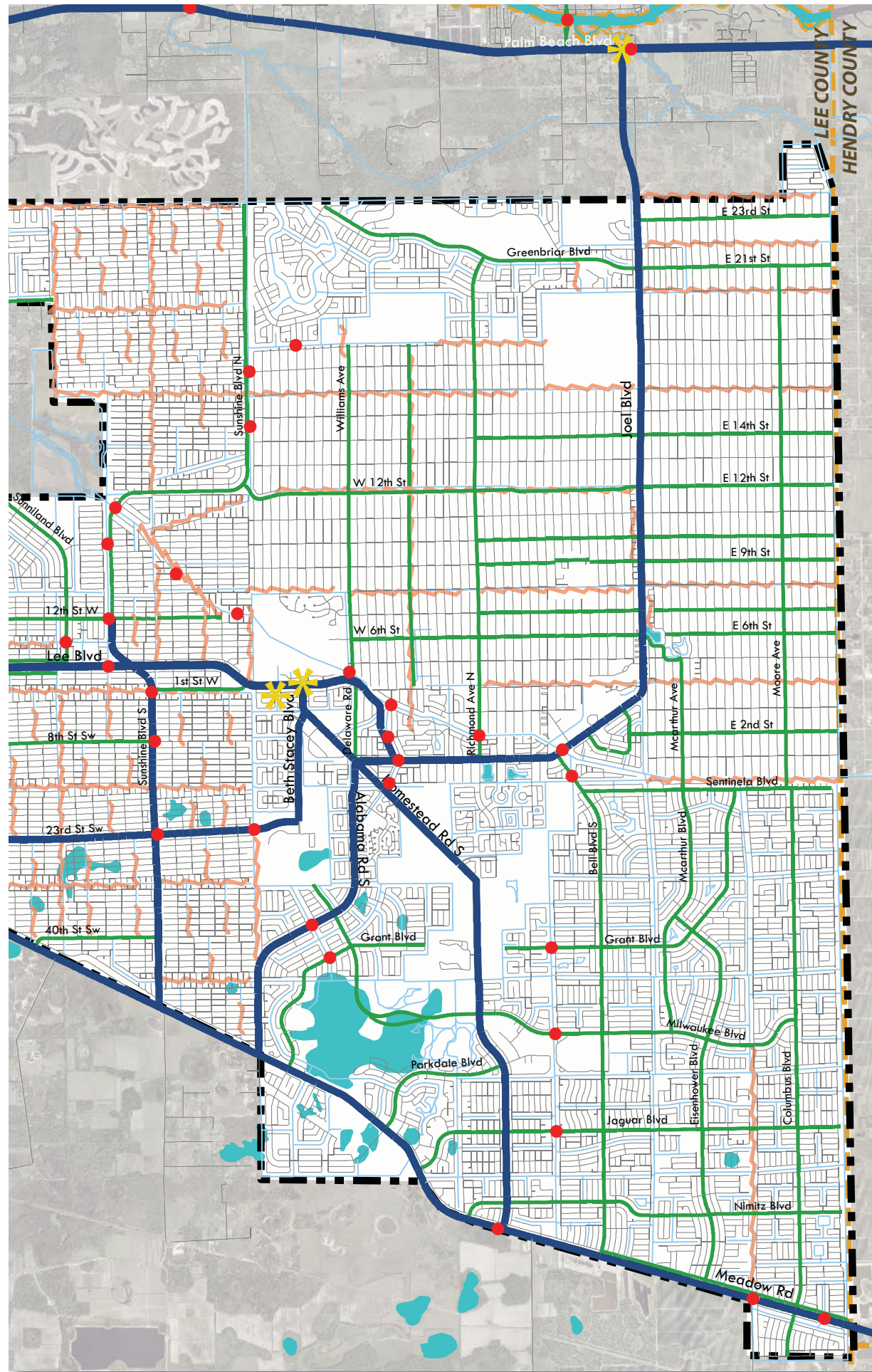


Figure 23: Road Condition Index (2006)

Source: Lee County DOT

- 0 - 25 Failing
- 25 - 50 Very Poor
- 50 - 60 Poor
- 60 - 70 Fair
- 70 - 80 Good
- 80 - 90 Very Good
- 90 - 100 Excellent

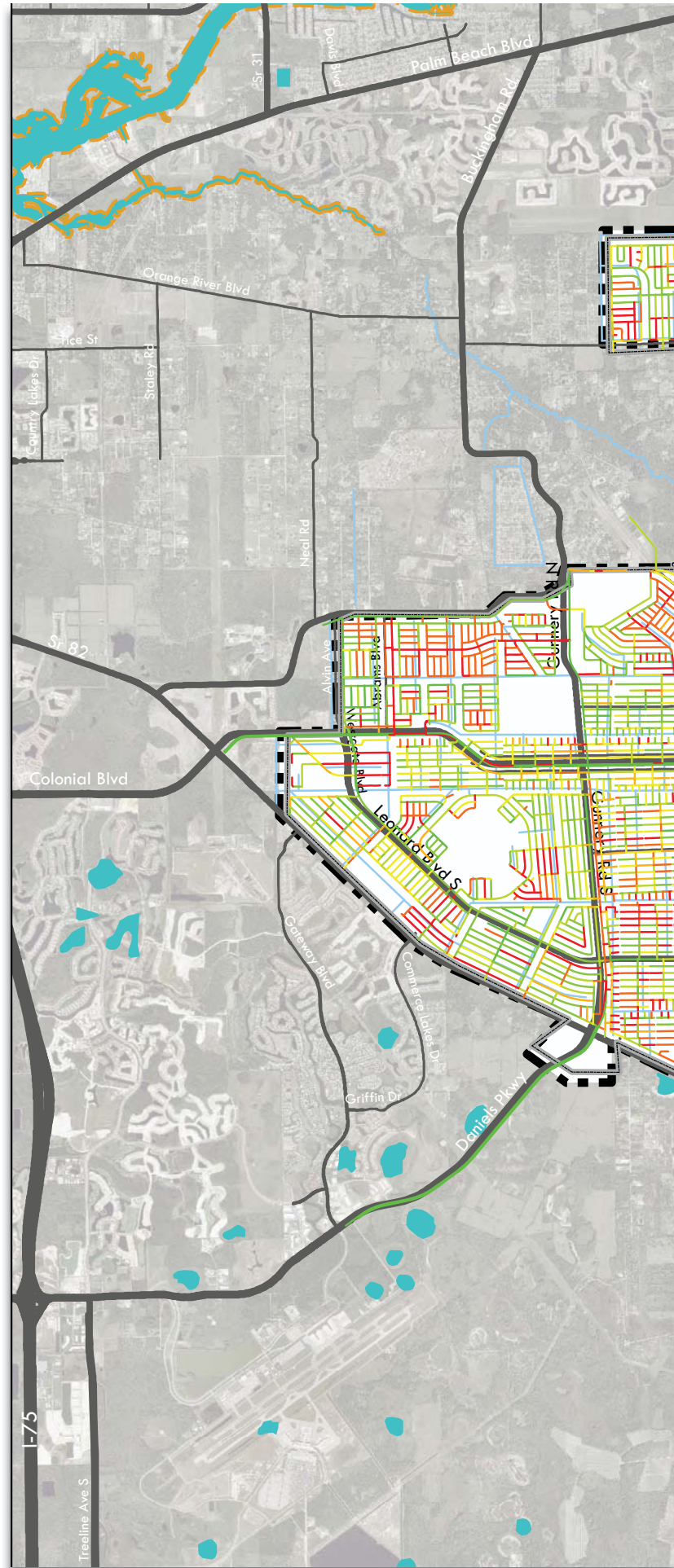
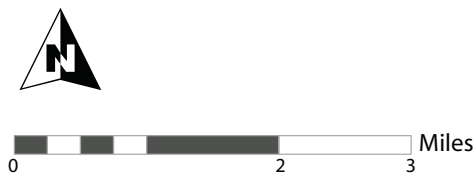
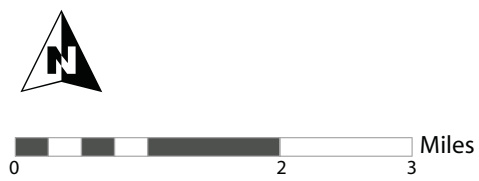
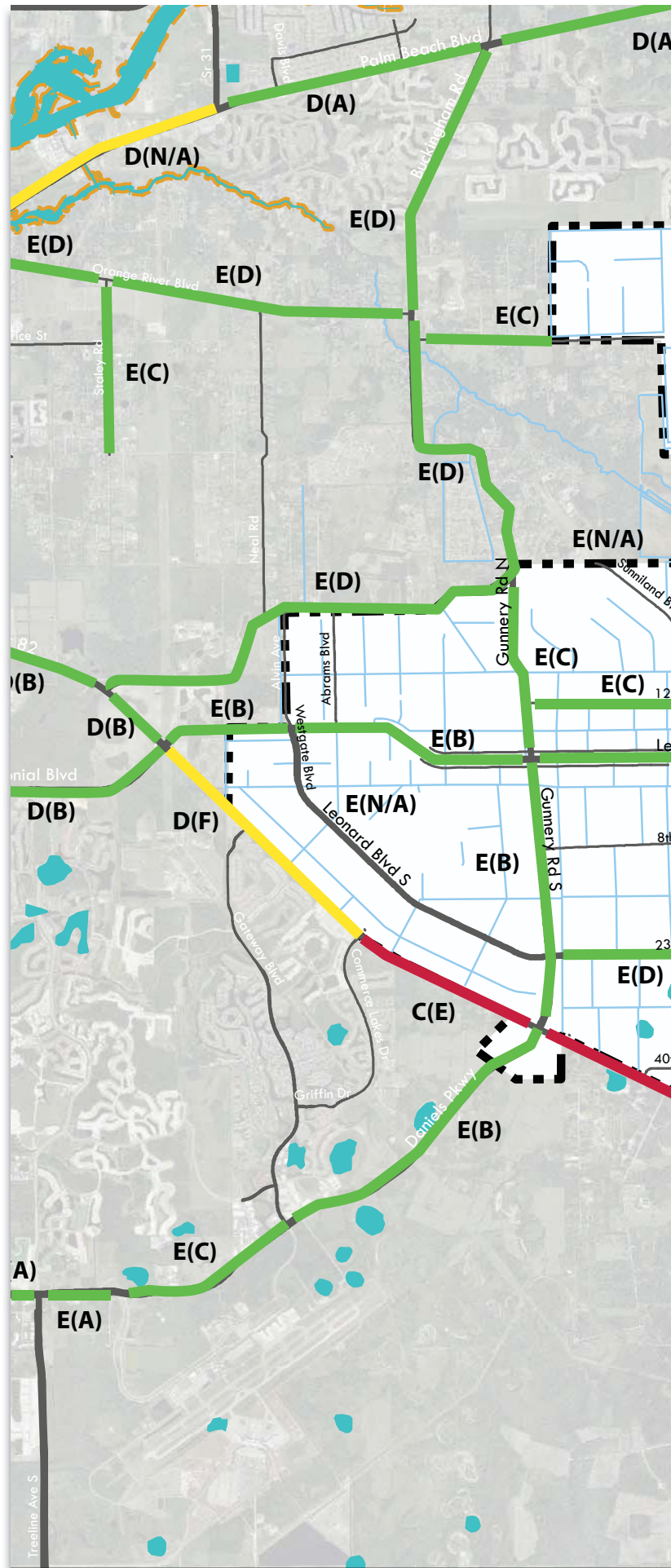
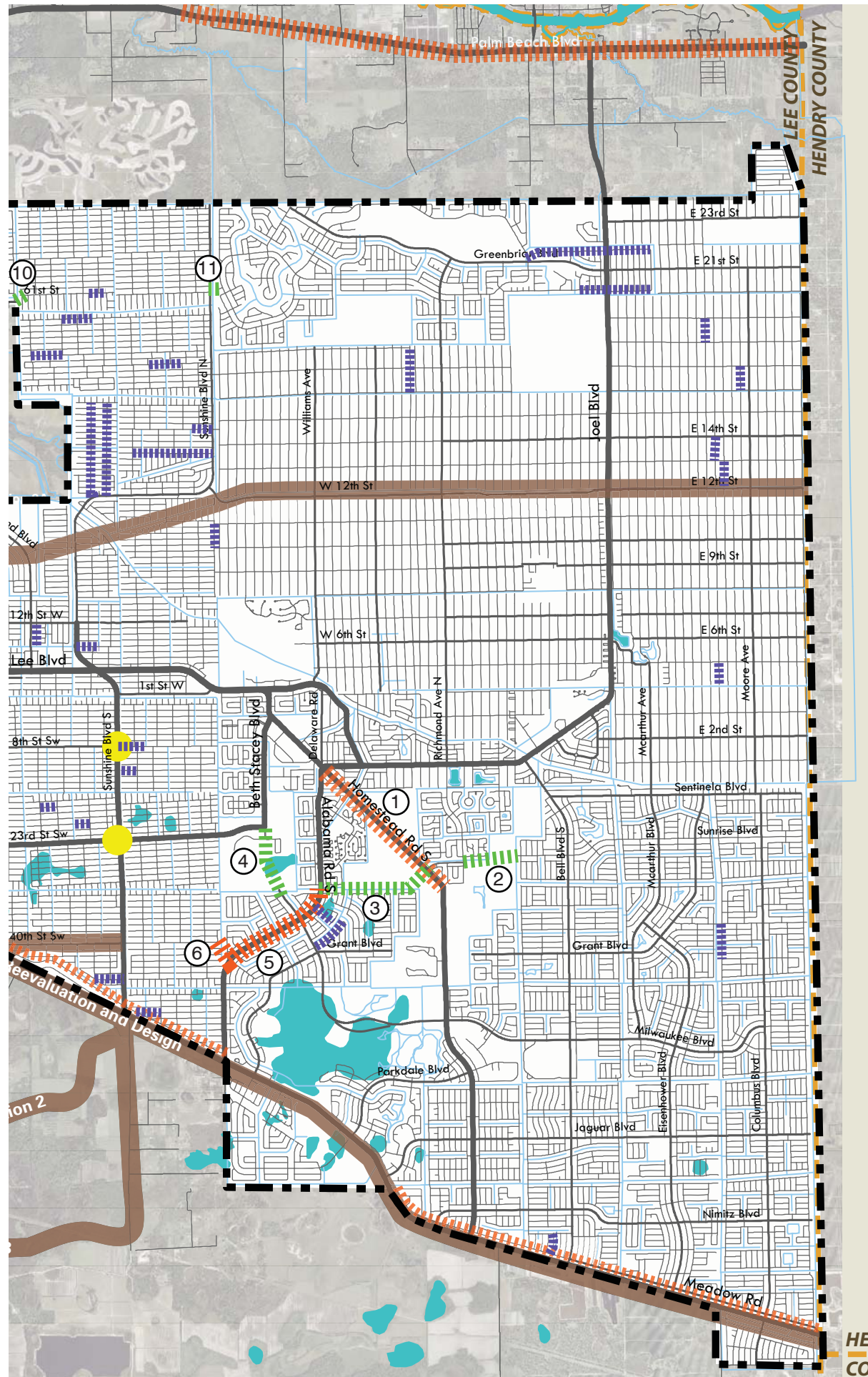


Figure 24: Road Level of Service (2008)

Source: Lee County 2008 Concurrency Report

- Performing better than LOS standard Standard (Est. 2008 100th Highest Hour)
 - Performing at LOS standard Standard (Est. 2008 100th Highest Hour)
 - Performing worse than LOS standard Standard (Est. 2008 100th Highest Hour)
- B)** Adopted Level of Service Standard (2007 100th Highest Hour)





The Agreement makes clear, however, that the lands vested for concurrency purposes are subject to all other local land development regulations adopted pursuant to the Lee Plan, as amended. The Agreement is also express that such regulations shall not affect the densities or intensities of use previously established in the Stipulation and Settlement Agreement dated December 27, 1988. It is also express that the lands that are not vested for concurrency purposes are subject to all other local land development regulations.

Road Improvement Projects

As shown in Figure 25, anticipated road improvements projects within Lehigh Acres include the programmed widening of Homestead Road, Meadow Road and SR 82, as well as a number of planned roadway extensions that will contribute to improved mobility by increasing connectivity. The projects, not including the Lockett Road extension, which is under study, are listed in the table below. While some of these projects are designated as cost feasible, others are contingent on available funding.

Road Name	Start	End	Work	State Date	End Date	Status
Homestead Rd S	Sunrise Blvd	Alabama Rd	2L to 4L	2009	2010	2008 CIP/DES
Meadow Rd	Wallace Rd	Naples Ave		2009	2010	2008 CIP/DES
SR 82	I-75	Lee Blvd	6L	2009	2010	2008 CIP/CST
SR 82	Lee Blvd	Commerce Lakes Dr	6L	2013	2014	2008 CIP/DES
61st St W	Cemetary @Stratton	Sunshine Blvd	2L (canal)			LRTP -Contingent
Mento Ct	Sunshine Blvd	61st St W	2L (canal)			LRTP-Contingent
SW 40th St	Current terminus	Alabama Rd	2L			LRTP-Feasible
Alabama Rd	SW 40th St Ext	Sunrise Blvd Ext	4L			LRTP-Feasible
Sunrise Blvd	Alabama Rd	Homestead Rd	2L			LRTP-Feasible
Sunrise Blvd	Richmond Ave	Victoria Ave	2L			LRTP-Contingent
Beth Stacey Blvd	SW 23rd St	Milwaukee Blvd	2L			LRTP-Feasible

Table 5: Planned Capital Improvements for Lehigh Acres Roadways

Corridor Studies

Lee County is conducting studies of several roadway corridors including: the CR 951 corridor (from Immokalee Road to Alico Road, and on to SR 82), jointly with Collier County; and the Lockett Road Corridor Extension (from Interstate 75 east to the Hendry County line). This latter project will provide an alternative to Lee Boulevard and SR 82 as an east-west arterial connection. The final alignment for the Lockett Road Corridor Extension is currently being determined.

The proposed CR 951 extension involves the evaluation of a potential new alignment for a four-lane arterial roadway with control and/or limited access, to be located east of Interstate 75 in northeast Collier County and southwest Lee County, Florida. The limits of the proposed extension are from the existing intersection of CR 951 and Immokalee Road in Collier County to a point along Alico Road in Lee County, a distance of approximately 15 miles and a project corridor 75 square miles in size. From there on, an extension referred

to as Alico Connector Road would connect to SR 82 somewhere southeast of Daniels Parkway. Three conceptual alignments were under consideration. At this point, a preferred alignment has been determined, but not adopted.

Access Management for Commercial Uses

Meadow Road, running parallel to SR 82, was designated as a viable access alternative for lots fronting SR 82, while minimizing individual lot access to the arterial. Pursuant to Lee Plan Policy 1.8.2, commercial uses can be permitted on all lots in the ‘Reclaimed Strip Overlay’ facing SR 82 when the required corridor access management plan is adopted by FDOT governing that portion of SR 82. The recently prepared plan provides for road connections between SR 82 and Meadow Road at about 1/8-mile spacing with full access median crossings at about 1/4-mile spacing. According to the plan, all platted lots will ultimately have access to SR 82 via Meadow Road, which will serve as a reverse frontage street. In fact, this arrangement is less than practical, since these lots are not only long and narrow—suited mostly to the commonplace shopping strip or stand-alone fast food joint, convenience store or gas station whose almost exclusive focus will be the drivers using SR 82, not the residents of Lehigh Acres; these lots also face and (when the reverse frontage access is in place) may push commercial traffic through the adjacent residential neighborhoods. Commercial uses are also permitted on Reclaimed Strip lots facing Gunnery Road after Lee County adopted a similar plan, with access to all lots being provided via Gretchen Avenue.

With the adoption of the SR 82 Corridor Access Management Plan, Lee County has been planning for the reconstruction of Meadow Road to accommodate the anticipated increase in traffic that would result from the future development pattern on lands located between this road and SR 82. The County’s 2008 CIP update currently includes only funding for the design of this improvement from Wallace Road to Naples Avenue, to be completed by 2010. Pending the outcome of the Lehigh Acres Comprehensive Planning Study process, the focus of that project may change.

Alternative Transportation Modes

Today, Lehigh Acres features a poor infrastructure for alternative transportation modes. While sidewalks and bikepaths (mostly in the form of paved shoulders) do exist, they are fragmentary and infrequent at best, and therefore are inhospitable, offering limited protection or ability for the pedestrian or bicyclist, much less those who are physically challenged, to use these facilities as an effective means to move throughout the community. Nor do they connect residents from their homes to most major community destinations—shopping areas, schools, churches, parks, etc.

As may be expected, public sidewalks can be found primarily in the older or most developed sectors of Lehigh Acres, usually along the major arterials (e.g., Lee Blvd., Leeland Heights, portions of Homestead Road), as well as a few, short sidewalk segments on scattered subdivision roads. When provided, sidewalks are often found on one side of the street only.

Transit service to and within Lehigh Acres is similarly limited. Lee Tran, the County’s public transit provider, offers one route (110) which runs between Edison Mall in Fort Myers and “downtown” Lehigh Acres (terminating on

Joel Blvd. at E. 12th Street) along Colonial Blvd/Lee Blvd. Lee County also provides transportation-disadvantaged and paratransit service through private or nonprofit contractors. These services are available to qualifying riders (e.g., seniors and the disabled).

Inside Lehigh Acres, Route 110 covers short segments on Beth Stacey Blvd., Alabama Road, Homestead Road, and Leeland Heights, and runs Monday through Saturday from 5:00 am to 9:45 pm. This provides an invaluable service to the residents of Lehigh Acres, but the limited coverage area, absence of Sunday service, and lack of supplementary linkages within the community represents a challenge to those without transportation alternatives. The County's 10-year Transit Development Plan proposes the implementation of a new service, the Lehigh Circulator, starting in 2009, and an increase in the frequency of Route 110 service (from every 75 to every 50 minutes by 2010, and down to every 40 minutes by 2014). It is unknown at this time if the current fiscal environment will delay or otherwise impact these plans.



Lee Tran public transit service

Source: Lee Tran

Regarding bicycle and pedestrian infrastructure improvements, the MPO's 2030 Long Range Transportation Plan includes a policy that encourages Lee County and its municipalities to "take advantage of every opportunity to implement the bicycle and pedestrian improvements identified as needed in the MPO's bicycle pedestrian element when approving development abutting state highways." The 2030 LRTP identifies specific projects that will serve Lehigh Acres and the regional network. Bicycle and pedestrian improvements are also called for in The Lee Plan and numerous such improvements are identified in the County's Bicycle/Pedestrian Inventory

and prioritized for funding through the Capital Improvement program, with recommendations provided by the Bicycle and Pedestrian Advisory Committee, which is made up of local residents. Consistent with these policies, the recent roadway improvement of Gunnery Road S. incorporates sidewalks. Other sidewalk projects are either under construction (along 12th Street W. between Gunnery Road and Sunshine Blvd.) or programmed through the CIP, while others (Homestead Road sidewalk from Milwaukee Blvd. to Veterans Park) have been put on hold due to budget constraints.

Although the County's Land Development Code includes detailed standards for the provision of sidewalks and bike paths in private development (new subdivisions, commercial and industrial development), Lehigh Acres residential areas do not benefit from these requirements, since the majority of the land in Lehigh Acres is already platted into single-family lots that are individually owned. Although lacking the ability to require individual owners to build the sidewalk (which would require even more stringent standards to ensure consistent quality of construction and continuity), two tools to overcome this challenge are already provided for in the Land Development Code. First, Sec. 27-61 authorizes the creation of municipal service taxing or benefit units in specific areas of unincorporated Lee County for the purposes of providing municipal services within the boundaries of said units in accordance with Chapter 125, F.S. One such taxing unit is already in place for the purpose of providing street lighting and related services in Lehigh Acres. A similar unit could be established to levy taxes for the construction of sidewalk projects and related improvements.

Similarly, Sec. 28-13 of the Land Development Code authorizes the imposition of special assessments "for the construction, reconstruction, repair, paving, repaving, hard-surfacing and re-hard-surfacing of roads, curbs, gutters, drainage facilities and **sidewalks** in any of the unincorporated area of said county, and provide for the payment of all or any part of the cost of any such improvements by levying and collecting special assessments from the abutting, adjoining, contiguous or other specially benefited property."

III.7 Infrastructure

Onsite Treatment and Disposal Systems

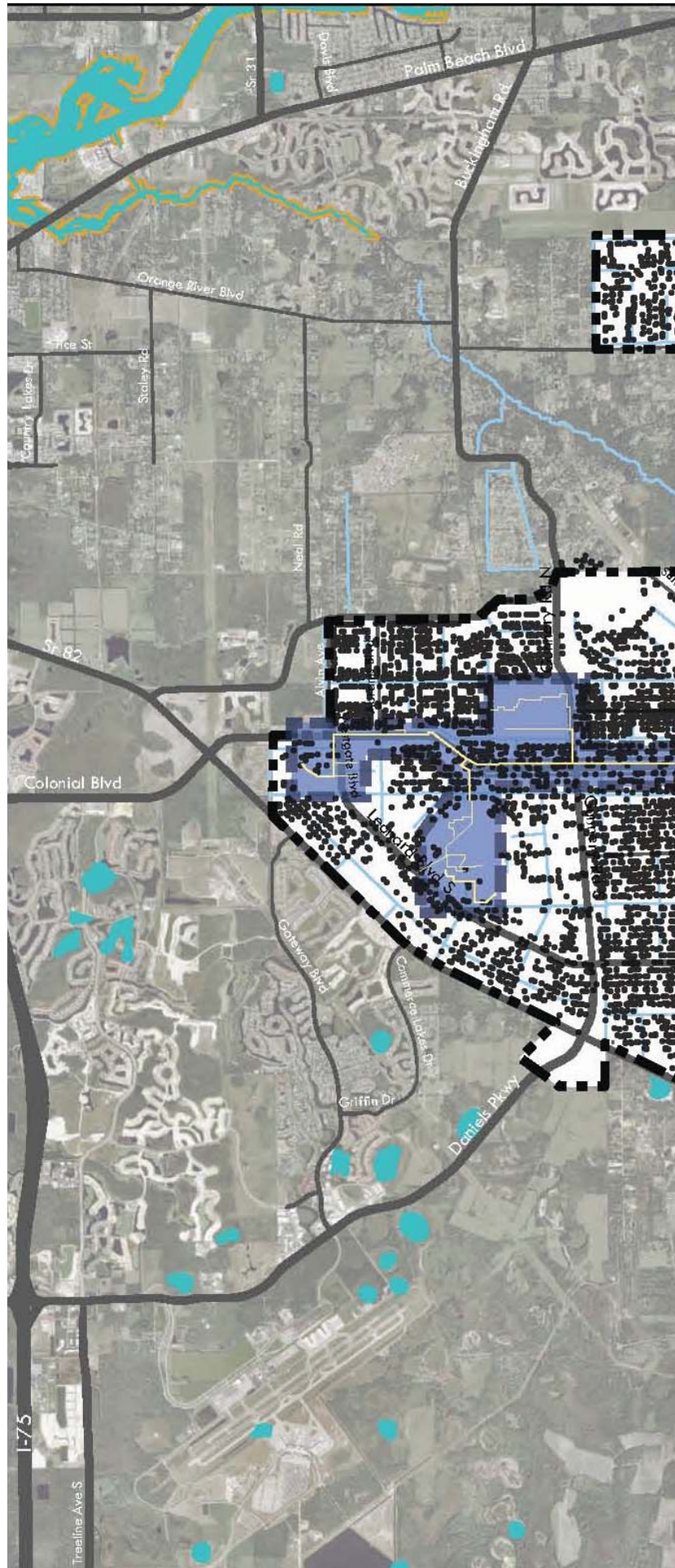
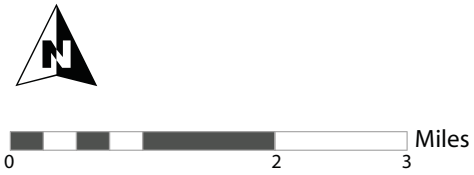
The Lee Health Department's records show issuance of approximately 21,000 on-site wastewater treatment systems in Lehigh Acres in the past decade—this despite the fact that most lots in the community do not meet current size standards for the accommodation of on-site treatment and disposal systems (OSTDS). In addition, the high water table in the area typically necessitates the placement of fill material to increase the lot elevation and accommodate the construction and proper design of an OSTDS. In most cases, only the developed portion of the lot is filled, resulting in an unusual landscape of "mounds" and "valleys" (between lots).

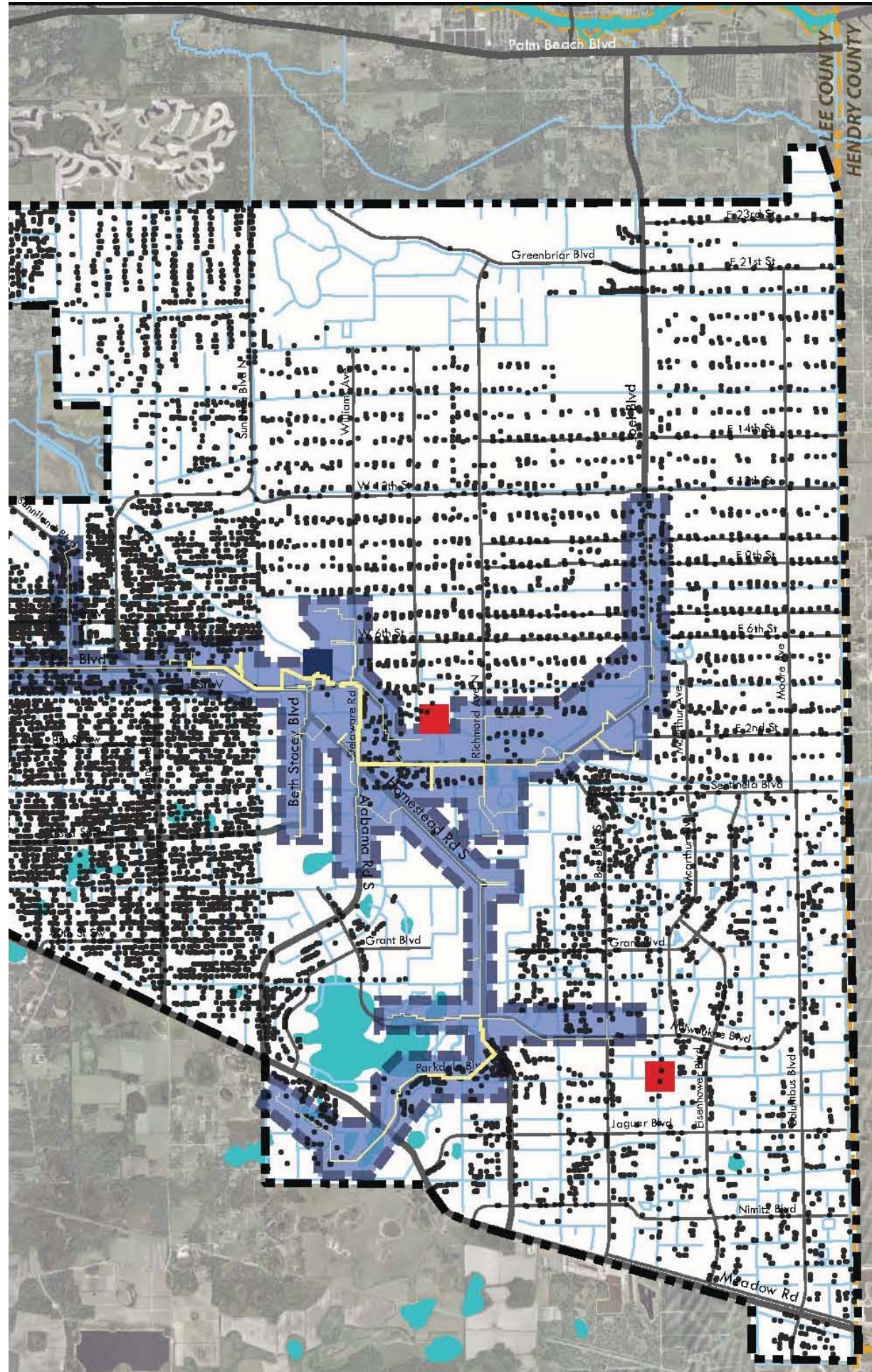
Back when Lehigh Acres was platted in the 1950s and 1960s, the Health Department's regulations required a minimum $\frac{1}{4}$ -acre lot size for onsite septic permitting. Today, the minimum lot size requirement today is $\frac{1}{2}$ -acre. However, the regulations also stipulate that lots as small as $\frac{1}{4}$ -acre, platted prior

Figure 26: On-site treatment and disposal systems (OSTDS)

Source: Lee Health Department

- Septic tanks
- Areas serviced by sewer
- Sewer pipe system





to 1972, are allowed to develop on septic. A permit for a septic system does not restrict the number of septic tanks on a single lot, so long as, on a lot with a well, the total sewage flow does not exceed 1500 gal/day/acre. Because a permit applicant can count unused road right-of-way in the calculation of lot size, a 1/4 acre lot is typically permitted between 350 and 400 gal/day; this restricts a single-family unit to three bedrooms. Despite this rule of thumb, in reality, several duplex lots contain two septic systems and are advertised as three bedrooms each (equating to six bedrooms on a single lot). According to the Health Department, this can occur, in part, because duplex units are often officially recorded on the books as having only two bedrooms (by having the third room without a close, this room does not qualify as a “bedroom”). In practice, these homes are occupied as three-bedroom units, and therefore exceed their permitted flow. Thus many properties have either been illegally subdivided or granted permits without penalty unbeknownst to the Department issuing the permit.

For lots platted after 1972 that do not meet the 1/2-acre size, a variance can be applied for through the State Variance Board. As reported by Health Department representatives, variance applications submitted on the basis of hardship are commonly granted. Recent data provided by the Lee Health Department indicates that 344 variances were requested for properties in Lehigh Acres in the past two years. Of these, only four were denied (typically for not being able to meet the 75-foot required separation between septic and water well). Two others were withdrawn by the applicants. Of those variances granted, 55 will require tie-in to the public sewer if and when made available. Only three of the requests were for aerobic systems, which offer higher removal rates than other types.

The Health Department maintains that there is little documented evidence to date that the issuance of septic systems is a problem in Lehigh Acres. However, the Department also acknowledges that permits are reviewed on an individual basis, and that there is no system in place to track cumulative effects.

Research conducted for other areas in Florida suggests that soils most effective at removing nitrogen are those which—like the ones present in Lehigh Acres— have shallow water tables and associated high organic content. However, these same studies recognize that the removal rate varies widely from over 90% to less than 10%, even using today’s system design criteria. Properly maintaining the function of existing OSTDS helps, but this will work for only a limited amount of time. While the average density in Lehigh Acres today is less than one dwelling unit per acre, if development continues in the current pattern, this density could increase to an average of approximately 2.7 dwelling units per acre at buildout (with significantly higher densities in localized instances). If no significant expansion of the centralized sewer were to occur, there could be tens of thousands of additional OSTDS in Lehigh Acres over the 20 to 40 years. In addition, septic systems have a finite capacity to retain phosphorus.

Several studies conducted around the country have employed measurements and/or modeling to demonstrate a positive correlation between OSTDS density and water contamination. For example, a paper by Professors R.B. Brown and T.J. Bicki for the University of Florida’s Institute of Food

And Agricultural Sciences, Florida Cooperative Extension Service concludes that “population density ultimately determines the effluent load per unit of land area and hence the concentration of contaminants in ground water.” A water budget prepared for an individual 0.4-acre lot in the area of Gainesville showed that, at the lot by lot scale, an OSTDS contributed nearly 60 percent (12 inches/year) of the total recharge to the shallow aquifer. A number of other studies recommend that, to prevent degradation of shallow ground water, OSTDS densities should be kept at a density of no less than 0.5 to 1 acre per OSTDS (2 to 1 OSTDS per acre), and preferably greater.

Nevertheless, it is acknowledged that these studies were conducted mostly in conditions different from those in Florida and Lehigh Acres. Site-specific research will be necessary to determine if or when, and what types of action may be required. Anecdotal information has been received of algae being found in the Orange River that may indicate the presence of nutrient enrichment from septic plumes. Ongoing studies conducted on behalf of the ECWCD, in collaboration with Lee County, to monitor water quality in Lehigh Acres and the Orange River, may confirm this in the future.

Private Water Wells

There are nearly 22,000 water wells in Lehigh Acres, including those for domestic consumption, irrigation, fire suppression, public use, etc. Purportedly, some well permits may have started to be denied in Lehigh Acres because of spacing issues, i.e., the inability to meet a State of Florida requirement for a 75-foot distance between wells and septic tanks. In addition, it is reported that water wells in some areas of Lehigh Acres are failing. Emergency permits for well deepening are becoming more common, as the Sandstone Aquifer in Lehigh Acres shows a declining water level trend and seasonal water level fluctuations that now average nearly 20 feet. Section 6.10 of the County’s Well Ordinance (Cause for denial, suspension or revocation) indicates that extreme depletion of the groundwater supply in Lee County, and endangering the health, welfare, and safety of the public are grounds for denial of a well permit.

Centralized Water and Sewer Service








Public water and sewer are provided to portions of Lehigh Acres by the Florida Governmental Utility Authority (FGUA), a government agency created to purchase private utility companies and convey them to a local government agency to own, operate and maintain. FGUA purchased the Lehigh Acres utility in 2003 for \$34.5 million. While, technically, the service area of FGUA covers the entire extent of Lehigh Acres, only about 8,700 acres—or 14 percent of the total land, primarily in the older community core—are served by central water and sewer (see Figure 28). FGUA’s 2008 budget estimates 13,064 water customers and 10,500 wastewater customers for this year, an increase of nearly 4 percent over 2007. By 2012, the number of accounts is projected to grow to 17,443 and 13,006, respectively. This includes both residential and commercial accounts, and is contingent on the completion of proposed infrastructure improvements.

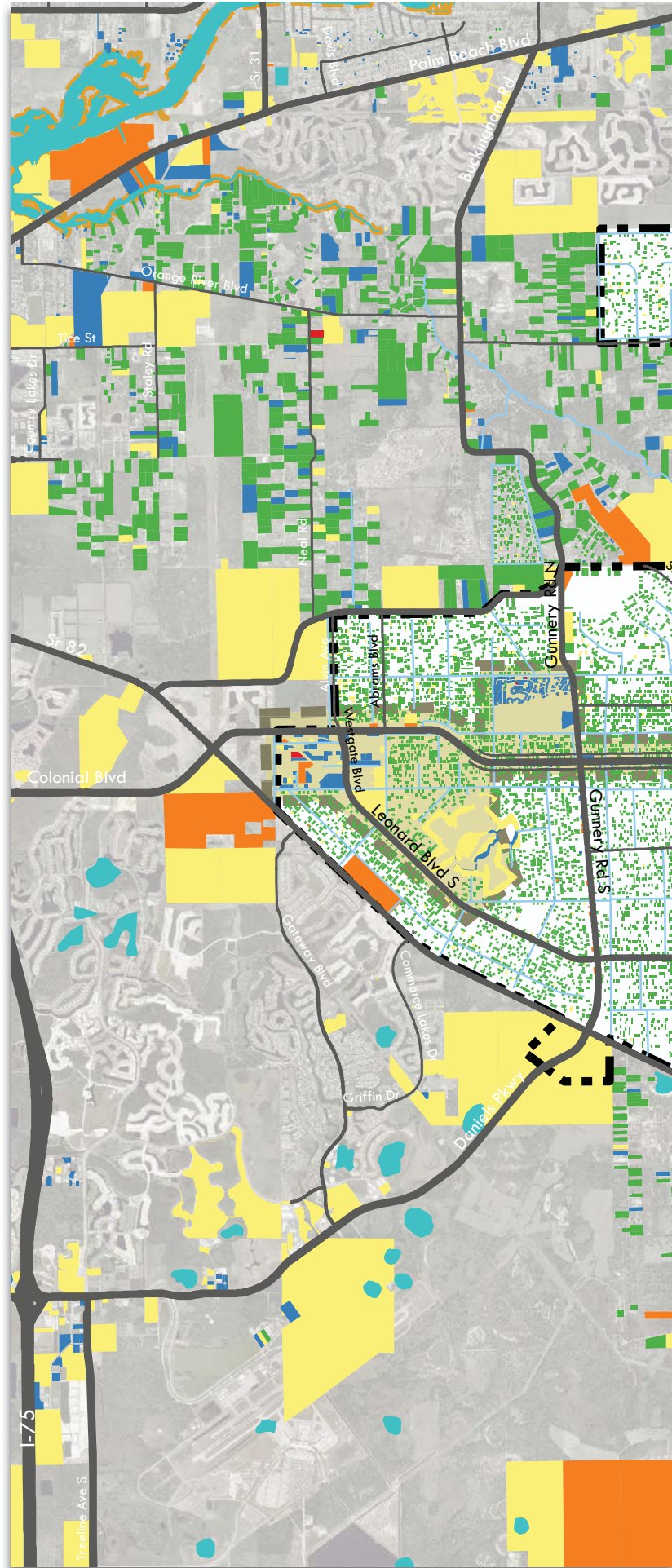
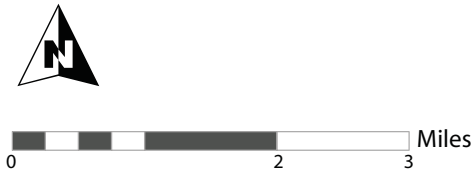
The current water system consists of one water treatment plant and 13 water wells. The Lee Plan Policy 53.1.2 establishes a Level of Service of 250 gallons per day per equivalent residential connection, with slightly lower stan-



Figure 27: Water Wells

Source: Lee County GIS

-  Domestic
-  Irrigation and farming
-  Fire
-  Public water supply
-  Other
-  Areas serviced by water
-  Water treatment plant



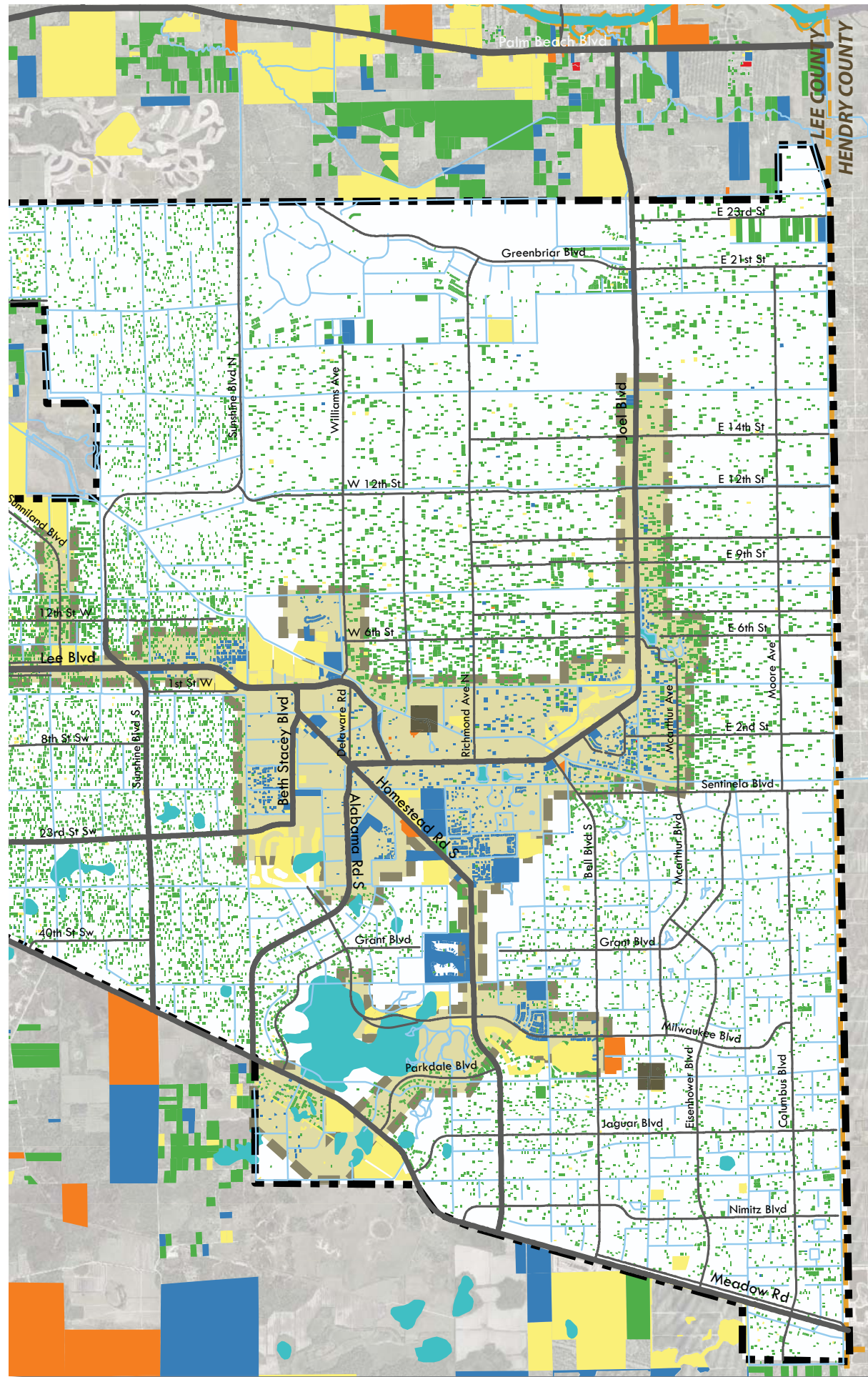





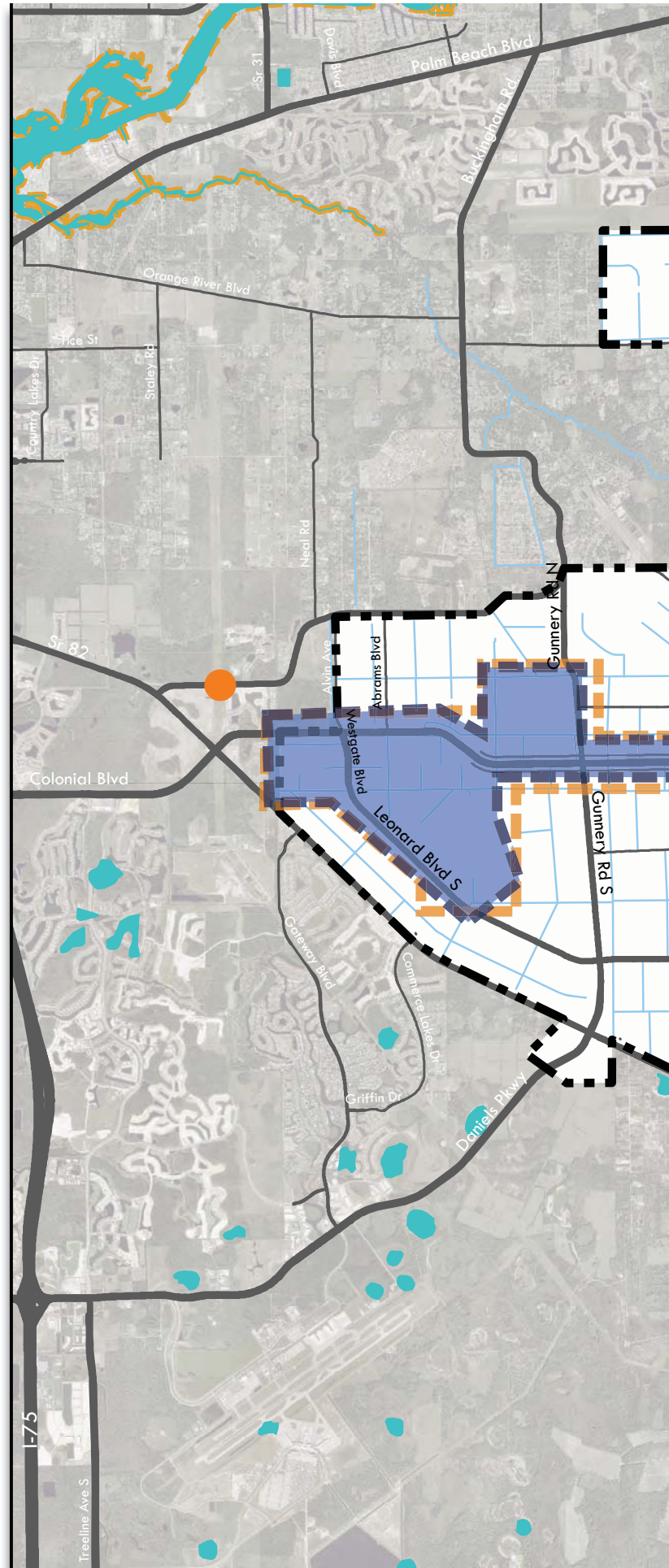
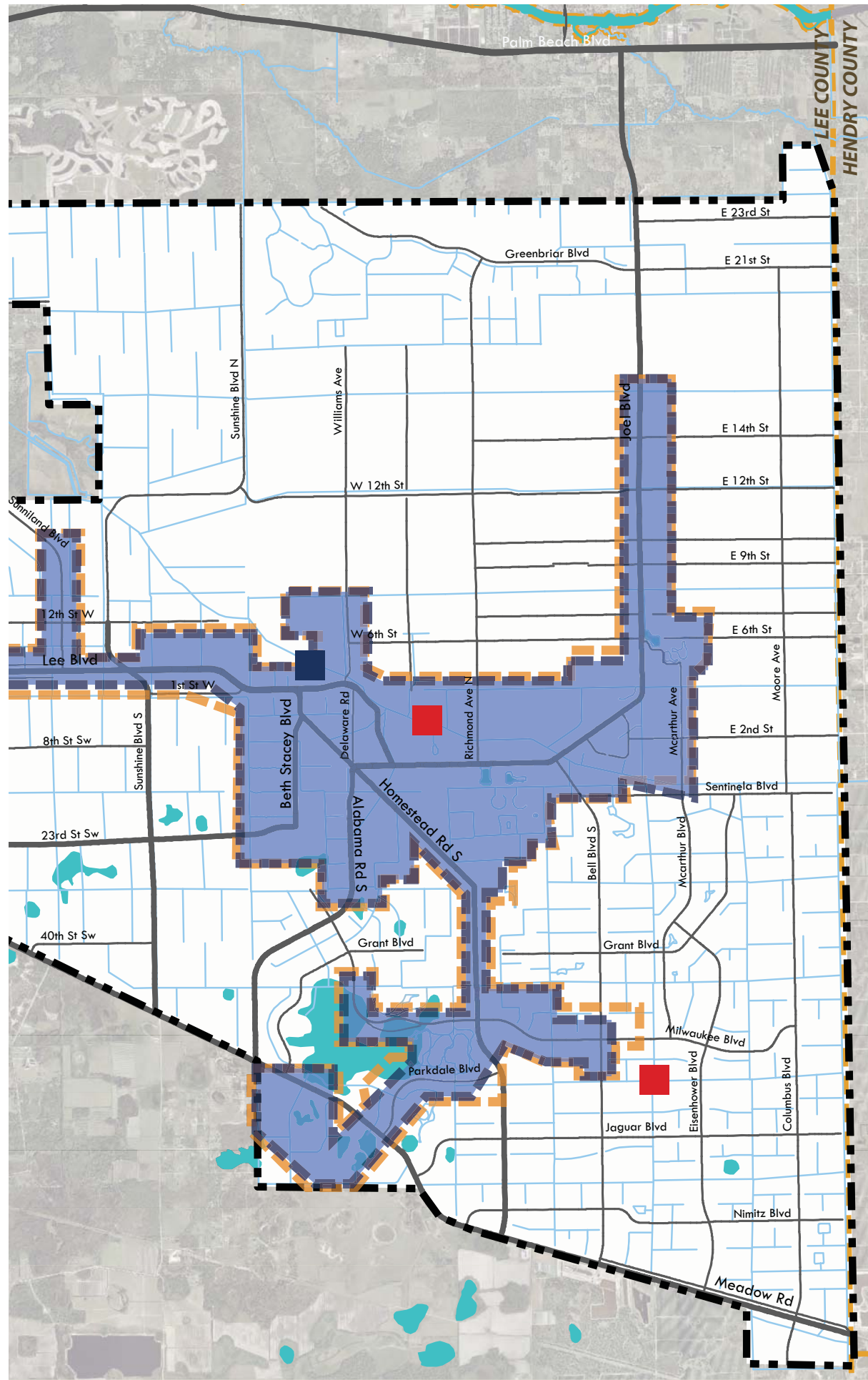


Figure 28: Water & Sewer

Source: FGUA

-  Combined Water & Sewer Service Area
-  Water Coverage Area
-  Water plant
-  Wastewater treatment plant
-  Lee County Resource Recovery and Recycling Facility





dards for mobile homes (187.5 gallons per day), and travel trailer residential structures (150 gallons per day).

While the system has been growing and FGUA continues to make significant investments in water capacity and line expansion, the system has trailed consumptive water demand during the years of high growth rates. The current slowdown offers an opportunity for planning and proactive intervention. FGUA plans to update its Potable Water Master Plan this year, and has allocated over \$50 million in the FY 2008 Capital Budget for a total of thirty capital improvement projects in Lehigh Acres. Projects include: water treatment plant improvements, fire hydrant replacement, infiltration and inflow improvements, reuse pipeline expansions, lift station renovations and telemetry upgrades, wastewater treatment plant expansion, force main expansions, and manhole rehabilitation.

Recent projects include construction of the new Lehigh Acres Water Treatment Plant and associated wells at the Mirror Lakes site, which was completed in February 2008. Expansion of the Mirror Lakes Water Treatment Plant is estimated to begin in late 2008. This expansion will lay the foundation for a state-of-the-art Reverse Osmosis Treatment Plant. Construction of the deep injection well was slated for completion in April 2008. In addition, construction of a Ft. Myers interconnect was completed in 2007, including some 11,500 linear feet of pipeline that provides an on-demand, two-way connection between the Lehigh Acres System and the City of Ft. Myer's water supply.

The sewer network is less extensive than the potable water network. In 2003, FGUA estimated that wastewater treatment capacity would be adequate through 2008 based on a Lee Plan Level of Service standard of 200 gallons per day per equivalent residential connection, 150 gallons per day for mobile homes, and 120 gallons per day for travel trailer residential structures (Policy 56.1.2). However, population growth outpaced projections and in 2005 the wastewater treatment plant exceeded its permitted flow capacity. That same year, the utility announced a \$56 million expansion which would have provided water and sewer lines to more than 4,000 lots in Lehigh Acres. Controversy surrounded the plan, and FGUA reconsidered. FGUA now estimates spending approximately \$26,000,000 on improvements and capacity expansion of the sewer system.

FGUA's FY 2008-2012 Capital Plan includes approximately \$92 million to complete thirty-eight capital projects necessary to keep up with projected growth in Lehigh Acres. This Five Year Plan was revised at the request of Lee County, to integrate strategies and costs associated with implementing a septic tank replacement program. The results of the study, prepared by FGUA's consultants in collaboration with the County's Utilities and Natural Resources Department, envisions a major expansion of the wastewater collection, treatment and disposal system over the next five years. The plan was developed to ensure that current and future residents of Lehigh Acres are able to access dependable and safe water, minimizing contamination to ground and surface water. In Phase 1, FGUA would extend service connections to existing non-service houses and implement an aggressive program to reduce the negative impact to the waste water treatment plant available capacity. During Phase 2, FGUA would continue to extend water lines to