

CPA2008-20
FUTURE LAND USE MAP UPDATE TO
REFLECT CHANGES WITHIN
INCORPORATED LEE COUNTY
BoCC SPONSORED AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
March 23, 2009 Public Hearing

Lee County Planning Division
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March 19, 2009

LEE COUNTY
 DIVISION OF PLANNING
 STAFF REPORT FOR
 COMPREHENSIVE PLAN AMENDMENT
 CPA2008-20

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

PREPARATION DATE: March 19, 2009

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

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

2. REQUEST:

Evaluate the Lee Plan's Future Land Use Map (FLUM) in light of City annexations.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Map 1, The Future Land Use Map. This amendment reclassifies lands within the incorporated areas of the County to more closely reflect the designations of each of the respective municipalities (see attachment 1).

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The proposed amendments to the Lee Plan Future Land Use Map (Map 1 Page 1 of 6) are illustrative and do not affect the allowable uses within the incorporated areas of the county.
- The Lee Plan Future Land Use Map (Map 1 Page 1 of 6) has not been amended to reflect the adopted Future Land Use Map of the City of Bonita Springs.
- The Lee Plan Future Land Use Map (Map 1 Page 1 of 6) has not been amended to reflect annexations and subsequent future land use map (FLUM) amendments by the Cities of Fort Myers and Cape Coral.
- The Lee Plan Future Land Use Map has been amended creating new designations that in some instances will more closely reflect the designations of the municipalities.
- The City of Cape Coral's and the City of Fort Myers' Comprehensive Plans have been amended over time changing designations on the respective FLUM.
- The City of Cape Coral's and the City of Fort Myers' Comprehensive Plans have been amended to create new FLUM designations.
- The Town of Fort Myers Beach has not made substantial amendments to the adopted FLUM since the Lee Plan was amended in 2002 to correspond to the town's future land use map plan.
- Available digital mapping files will allow the Lee Plan FLUM to more accurately depict the municipal FLUMs.

C. BACKGROUND INFORMATION

In 1989 the Lee County BoCC initiated an amendment that was included with amendments stipulated by the 1989 Settlement Agreement between the Department of Community Affairs (DCA), Lee County and interveners. This particular amendment updated future land use map designations within the cities of Fort Myers and Cape Coral to more closely correspond with the adopted future land use maps of the cities. The Lee Plan 1989 FLUM had previously been amended to reflected designations of the City of Sanibel's FLUM categories. PAM 89-10 was adopted along with the amendments required to implement the settlement agreement.

The Town of Fort Myers Beach became an incorporated town on December 31, 1995 and on January 1, 1999 a new Future Land Use Map for the Town of Fort Myers Beach became effective. On September 19, 2000 the Board of County Commissioners initiated an amendment to the Lee Plan to more accurately represent the Future Land Use Designations on the Town of Fort Myers Beach Future Land Use Map. This amendment was adopted on January 10, 2002 and became effective on March 27, 2002. The City of Bonita Springs was incorporated on December 31, 1999. The city adopted its comprehensive plan, including a future land use map, on December 25, 2002. No changes to the Lee Plan Future Land Use Map have been made to reflect the new designations adopted by the City of Bonita Springs.

Since the initial amendment was completed in 1990, approximately 13,000 acres have been annexed into the City of Fort Myers and more than 3,000 acres of land have been annexed into the

City of Cape. A review of the city's FLUM designation for the annexed areas has not been initiated in previous amendment cycles to determine if the most representative Lee Plan Future Land Use designation has been applied to the property. Also, new Future Land Use Designations have been added to the Lee Plan which may more closely reflect the designations used by the municipalities. These changes will allow the Lee Plan FLUM to better reflect the FLUMs of Cape Coral, Fort Myers, and Sanibel. Digital linework is now available for the adopted municipal FLUMs that will allow the Lee Plan boundaries to be more accurate.

On September 30, 2008, the Lee County Board of County Commissioners initiated the 2008/2009 cycle of Lee Plan Amendments giving staff direction to evaluate the Lee Plan Future Land Use Map with respect to the adopted municipal plans.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Lee Plan Map 1 (page 1 of 6) the Future Land Use Map (FLUM) encompasses the entire land area of Lee County. This map regulates property within the unincorporated areas of the county. Within the incorporated areas the intent of this map is to reflect the adopted municipal land use plans as closely as possible using Lee Plan designations. Staff has reviewed the adopted Future Land Use Maps of the 5 municipalities and recommends the Lee Plan FLUM be amended to reflect the recently adopted City of Bonita Springs future land use map as well as changes to the FLUMs of the Cities of Cape Coral, Fort Myers, Sanibel, and the Town of Fort Myers Beach.

Conservation Lands

In 1998 the county adopted a new "Conservation Lands" category into the Lee Plan. This designation is placed on lands used for long range conservation purposes differentiating between upland and wetland areas. The Lee Plan FLUM has been amended over the years to include additional conservation acquisitions. The Lee Plan Future Land Use Map Conservation Lands Category depicts these efforts apart from the jurisdictional control over land use. Since the county staff has reviewed properties currently designated as Conservation Lands to determine consistency with the intent of the Conservation Land designation, no properties will be removed or added to this category through this amendment. Also, the designation of lands within the cities/town that are subject parcels of CPA2008-00022, an amendment included in the current annual cycle of amendments addressing the Conservation Lands designations, will be determined by the outcome of that amendment.

Public Facilities

Similar to the process established to track conservation lands, the County FLUM depicts public facilities within the county. The Lee Plan policy is to depict all publically owned lands used for or intended for such uses as public schools, parks, airports, and other governmental facilities. The currently mapped Public Facilities designations within the municipalities have been included on the FLUM after thorough staff analysis. Periodically, the BoCC initiates amendments for the review of Public Facilities. Another such amendment (CPA2008-00023) is being processed in the 2008/2009 amendment cycle. This amendment to review municipal FLUMs is not intended to reverse the final action CPA2008-00023. Municipalities are also required to map public facilities and any additional public facilities depicted on those maps will be included on the Lee Plan FLUM through this amendment.

Wetlands

Staff has reviewed the municipal maps and found that there are inconsistencies between the wetlands on those FLUMs and the Lee Plan FLUM. With only a few exceptions, the Lee Plan FLUM depicts more wetlands than the municipal FLUMs. Keeping with the methodology described for the Public Facilities category, the proposed Lee Plan FLUM will retain the current wetland designations within the municipalities. In the few instances where the municipalities do depict additional wetlands, the Lee Plan FLUM will include those areas in addition to the current wetland designations. The exception to this policy is the Town of Fort Myers Beach. There are relatively few differences between the town's wetland designations and the Lee Plan FLUM; however, a review of these discrepancies reveals that the town's wetland designations have been mapped more accurately than those on the Lee Plan FLUM.

City of Bonita Springs

Staff recommends that changes to the Lee Plan FLUM be made for the City of Bonita Springs. The City of Bonita Springs incorporated after the changes made per the 1989 plan amendment. The Lee Plan FLUM still reflects the County direction and not the direction of the City of Bonita Springs. The proposed conversion between the City of Bonita Springs Future Land Use Map - 2012 and the Lee Plan FLUM designations is shown in Table B-1.

Table B-1	
Bonita Springs Plan/ Lee Plan	
Future Land Use Map Designation Conversion	
City of Bonita Springs	Lee Plan
Estate Residential	Rural
Low Density Residential	Sub-Outlying Suburban
Suburban Density Residential	Outlying Suburban
Moderate Density Residential	Suburban
Medium Density Residential	Central Urban
Medium Density Multi-Family Residential	Urban Community
High Density Residential	Central Urban
Moderate Density Mixed-Use Planned Development	Urban Community
Urban Fringe Community District	Outlying Suburban
High Density Mixed-Use/Village	Central Urban
Neighborhood Convenience Node	Commercial
General Commercial	Central Urban
Interchange Commercial	Central Urban
Industrial	Central Urban
Recreation	Public Facilities
Public and Semi-Public	Public Facilities
Conservation	Conservation Lands
Resource Protection	Wetlands
Density Reduction Groundwater Resource (DRGR)	DRGR

A full description of the City of Bonita Springs Future Land Use Map Designations is included in Appendix B-1.

City of Cape Coral

Staff recommends that changes to the Lee Plan FLUM be made for the City of Cape Coral. The final action on PAM89-10 changed this portion of the map in September 1990. Since that time, both the county and the city have created new Future Lands Use categories and adopted amendments to their future land use maps. The City of Cape Coral has also annexed more than 3,000 acres of land. When the city designations were converted to county designations for the 1990 map, a distinction was made between “Infill”, “Transition”, and “Reserve” areas on the Cape Coral map. Staff no longer believes it is necessary to distinguish between these areas.

Table C-1 Cape Coral Comprehensive Plan/ Lee Plan Future Land Use Map Designation Conversion	
City of Cape Coral	Lee Plan
Single Family	Suburban
Single Family/Multi Family	Suburban
Multi Family	Central Urban
Low Density Residential I	Sub-Outlying Suburban
Low Density Residential II	Sub-Outlying Suburban
Mixed Use	Urban Community
Mixed Use Preserve	Urban Community
Downtown Mixed	Intensive Development
Commercial Activity Center	Intensive Development
Flexible Development Overlay District	Intensive Development
Pine Island Road District	Intensive Development
Commercial/Professional	Commercial
Highway Commercial	Commercial
Industrial	Industrial Development
Public Facilities	Public Facilities
Park and Recreation Facilities	Public Facilities
Natural Resources/Preserve	Wetlands
Private Lake/Private Road	None – see Mapping Procedures

The properties annexed into the City of Cape Coral east of Burnt Store Road and West of US 41, also referred to as the “Zemmel Property” have not been designated with a city future land use map category and still retain the Lee Plan designation.

City of Fort Myers

Staff recommends that changes to the Lee Plan FLUM be made for the City of Fort Myers. The final action on PAM89-10 changed this portion of the map in September

1990. Since that time, both the county and the city have created new Future Lands Use categories and adopted amendments to their future land use maps. The City of Fort Myers has also annexed approximately 13,000 acres of land since 1990.

Table F-1	
Fort Myers Comprehensive Plan/ Lee Plan	
Future Land Use Map Designation Conversion	
City of Fort Myers	Lee Plan
Low Density Single Family (Max Density 1.36 du/ac)	Sub-Outlying Suburban
Low Density Single Family (Max Density 5.45 du/ac)	Suburban
Low Density Single Family (Max Density 6.22 du/ac)	Suburban
Medium-Density Single-Family	Central Urban
Medium-Density Single-Family/Duplex	Central Urban
Heritage Lakes Single Family District	Rural
Light Industrial	Industrial
Heavy Industrial	Industrial
Medium-Density Multi-Family	Central Urban
High-Density Multi-Family	Intensive Development
Professional Office	Intensive Development
General Commercial	Intensive Development
Intensive Commercial	Intensive Development
Special Development Areas	Urban Community
Mixed Use	Intensive Development
Eastwood Village Mixed Use	Suburban
Recreation	Public Facilities
Conservation Lands	Wetlands
Mixed Use Residential	Outlying Suburban
Master Development Plan	Outlying Suburban
Urban Core	Intensive Development
Urban Center	Intensive Development
Urban General	Central Urban
Civic	Public Facilities
Civic Recreation	Public Facilities
Neighborhood Redevelopment Area	Suburban

The properties included in the Pelican Preserve annexation were originally part of the Gateway development and have not been designated with a city future land use map category and still retain the Lee Plan designation.

City of Sanibel

Staff recommends that changes to the Lee Plan FLUM be made for the City of Sanibel. Since the changes made for the 1989 FLUM, new designations have been created which more closely reflect the city FLUM. Lee County staff consulted with the City of Sanibel Planning Department staff to create a better representation of the city FLUM. Lee

County has continually tracked and mapped lands in the Conservation Lands Categories and the Public Facilities Categories. Staff also mapped wetlands for the 1989 plan. Except for areas that are clearly miss mapped in these designations, staff does not propose to alter the Wetlands, Conservation Lands, or Public Facilities designations within the City of Sanibel through this amendment. The proposed conversion between the Sanibel Plan Future Land Use Plan map series and the Lee Plan FLUM designations is shown in Table S.1.

Table S-1	
Sanibel Plan Future Land Use Plan/ Lee Plan	
Future Land Use Map Designation Conversion	
City of Sanibel	Lee Plan
Commercial District	Commercial
Interior Wetlands Conservation District	Wetlands or Conservation Lands
Special District (city ordinance 01-04)	Public Facilities
Density Map 3 du/ac or less	Sub-Outlying Suburban
Density Map greater than 3 du/ac	Suburban

Town of Fort Myers Beach

Staff recommends that minimal changes to the Lee Plan FLUM be made for the Town of Fort Myers Beach. This portion of the map was amended in CPA2000-00008 to reflect the Town of Fort Myers Beach’s adopted future land use map. The changes proposed for this area are merely adjustments to align the boundaries to the town’s map. Any changes adopted by Lee County to place properties in the Public Facilities, Conservation Lands Upland, and Conservation Lands Wetland will not be changed to match the town’s map. Staff has concluded that the town’s wetland mapping is more accurate than those currently on the Lee Plan FLUM and recommends that, in this instance, the wetlands be updated to reflect this data. The conversion adopted in CPA2000-00008 is listed in Table FB-1.

Table FB-1	
Town of Fort Myers Beach Comprehensive Plan/Lee Plan	
Future Land Use Map Designation Conversion	
Town of Fort Myers Beach	Lee Plan
Low Density	Outlying Suburban
Mixed Residential	Suburban
Boulevard	Central Urban
Pedestrian Commercial	Urban Community
Marina	Urban Community
Recreation	Public Facilities
Wetlands	Wetlands
Tidal Water	None – see Mapping Procedures

Mapping Procedures

The Lee Plan Future Land Use Map uses the coast line digitized from electronic 1998 aerial photography as the counties land boundary. The coastline of the county has shifted due to natural forces; however, this is the most accurate line work available. The proposed map changes have been made using electronic digital maps of the currently adopted FLUMs (excluding Sanibel). Previously, the city future land use map lines were input by Lee County Planning Staff from paper maps. This was still the method staff was required to use for The City of Sanibel maps. The policies of the incorporated areas vary in techniques used in mapping the coastline. To maintain consistency between the Lee Plan FLUM and other Lee Plan maps, the coastal boundary created from the 1998 aerial maps will be used. In some areas, the municipal maps have been edited to exclude canals or they have placed private rights of way and lakes into a special category. This is not the technique used for the Lee Plan Map and these differences will be addressed by assigning the adjacent FLUM designation to the road, canal, or lake using "centerlines" as the boundary if different categories are assigned to the opposite sides of the feature.

B. CONCLUSIONS

The existing Lee Plan Future Land Use Map does not illustrate the future land use maps of The City of Bonita Springs, The City of Cape Coral, The City of Fort Myers, the Town of Fort Myers Beach, and the City of Sanibel and closely as possible. A conversion between the City of Bonita Springs FLUM and the Lee Plan FLUM has never been completed since the city map was adopted. New land use designations have been adopted into the comprehensive plans of the cities and the county that make some of the previous conversions outdated. Sizable areas have been annexed into the cities of Fort Myers and Cape Coral and these areas were usually re-designated with a city FLUM category. With the availability of digital future land use map linework for the incorporated areas the Lee Plan FLUM boundaries can more accurately reflect the location of land use lines. For these reasons, a comparison of the Lee Plan FLUM with the municipal FLUMs was warranted.

C. STAFF RECOMMENDATION:

Planning Staff recommends the Board of County Commissioners transmit the proposed amendments to the Future Land Use Map, Lee Plan Map 1 Page 1 of 6. This amendment will create a Future Land Use Map that more accurately reflects the adopted maps the Cities of Bonita Springs, Cape Coral, Fort Myers, and Sanibel, and the Town of Fort Myers Beach (see attachment 1).

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

PUBLIC HEARING DATE. February 16, 2009

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

CINDY BUTLER

CARRIE CALL

JIM GREEN

MITCH HUTCHCRAFT

RONALD INGE

CARLA JOHNSON

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

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

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

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

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

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN
