

**CPA2009-02
NORTH OLGA COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE
LEE PLAN**

LEE COUNTY COMPREHENSIVE PLAN

LOCAL PLANNING AGENCY RECOMMENDATION

**Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis**

**BoCC Public Hearing Document
for the
June 16th, 2010 Transmittal Hearing**

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June 9, 2010

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2009-02**



Text Amendment



Map Amendment

| This Document Contains the Following Reviews: | |
|--|---|
| <input checked="" type="checkbox"/> | Staff Review |
| <input checked="" type="checkbox"/> | 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: May 14, 2010

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. A. SPONSOR

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

B. APPLICANT

North Olga Community Planning Panel (NOCPP)

2. REQUEST:

Amend the Future Land Use Element to incorporate Goals, Objectives, and Policies specific to the North Olga Community into the Lee County Comprehensive Plan. Amend the Future Land Use Map series to include a Special Treatment Area on Map 1, Page 2 of 8 for the North Olga Area.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff is recommending that the Board of County Commissioners *not* transmit the proposed amendment to the Comprehensive Plan. In the event the BoCC desires to transmit the proposed amendment, staff recommends that the language included below be transmitted.

Please note that the language shown in this section is a composite of both the March 25, 2010 submittal from the North Olga Community Planning Panel, and recommendations made by staff. This section of the staff report contains text in strikethrough and underline format as it relates to the existing Lee Plan.

VISION STATEMENT

In the event the BoCC desires to transmit the proposed amendment Planning staff recommends that the Board of County Commissioners transmit the following addition to the Vision Statement of the Lee Plan:

24. North Olga - The North Olga Community boundaries are defined by Map 1, Page 2 of 8, of the Lee Plan. The Community is predominantly designated within the Rural and DR/GR Future Land Use Categories, with areas of Public Facilities, Wetlands and Outer Island. The North Olga Community desires to maintain and enhance the rural character of the community while promoting its heritage and historical significance in the early development of Lee County. Desired outcomes of the planning process include prevention of sprawling land use patterns, ensuring attractive development via enhanced design standards, and creation of economic development opportunities focused around the rural, agricultural and environmental attributes of the Community. Implementation of this vision will ensure the rural character and heritage of North Olga is protected and allow the area to emerge as a distinctive community within Lee County.

FUTURE LAND USE

In the event the BoCC desires to transmit the proposed amendment Planning staff recommends that the Board of County Commissioners transmit the following additions to the Future Land Use Element of the Lee Plan:

GOAL 34: NORTH OLGA COMMUNITY. To preserve and promote the unique character, historic heritage, and quality of life in North Olga, as well as proactively and appropriately plan for this area by providing greater opportunities for public participation in the land development review process. For the purpose of this Goal, the North Olga Community boundaries are defined by Map 1, Page 2 of 8, of the Lee Plan.

OBJECTIVE 34.1: COMMUNITY CHARACTER. Lee County will consider adoption of comprehensive plan policies, land development regulations, public improvements and other actions that will manage growth throughout the community while protecting and enhancing the character and aesthetic appearance of North Olga.

POLICY 34.1.1: In order to protect the aesthetic qualities and preserve the natural and historic resources of the North Olga Community, new development will be encouraged to design clustered development areas to preserve large, contiguous tracts of open space, including high quality uplands/wetlands and environmentally sensitive lands.

POLICY 34.1.2: The County will discourage the approval of any deviation from standards in the Lee County Land Development Code that would result in a degradation of landscaping, signage guidelines or compliance with any applicable architectural standards.

POLICY 34.1.3: Within 18 months, Lee County will consider enhanced design, landscaping and architectural standards submitted by the North Olga Community for inclusion in Chapter 33 of the Lee County Land Development Code.

OBJECTIVE 34.2: RESIDENTIAL LAND USES. Lee County will protect and enhance the rural character of the North Olga Community by evaluating new development proposals based on adjacent uses, natural resource protection, site access, open space, enhanced landscaping, public infrastructure and other characteristics which promote and uphold the existing sense of community and historical character. For the purposes of this Objective, rural character is defined as those characteristics which convey a sense of rural lifestyle, including but not limited to, clustered development or large lots, ample views of wooded areas and open space, agricultural uses, public conservation of lands where appropriate and feasible, and protection of environmentally sensitive lands.

POLICY 34.2.1: New subdivisions of 100 or more acres that create five or more lots will require review through the Planned Development (PD) rezoning process.

POLICY 34.2.2: Proposed Planned Developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space and diversity of choice within the community.

POLICY 34.2.3: Any proposed residential development within the North Olga Community that is adjacent to an existing large lot residential area will provide appropriate separation, such as a minimum lot size of one (1) unit per acre for any proposed lots abutting the perimeter of property line(s), to assure compatibility.

OBJECTIVE 34.3: COMMERCIAL LAND USES. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the rural character within the North Olga Community boundaries and to allow for those non-residential land uses that serve the rural community. County regulations will attempt to ensure that any future commercial development implements a unified and attractive design theme in terms of landscaping, architecture, lighting and signage.

POLICY 34.3.1: Lee County will support ancillary commercial within the Rural designated areas of the North Olga Community that promote the rural and agricultural character of the community, if appropriate zoning approval is granted.

POLICY 34.3.2: In order to maintain the rural and aesthetic value of the North Olga Community, proposed commercial development will utilize a consistent landscaping and architectural style for all buildings and will comply with all applicable design standards within Chapter 33 of the Land Development Code.

OBJECTIVE 34.4: ECONOMIC DEVELOPMENT. Lee County will encourage future economic development opportunities in the North Olga Community that identify and promote those elements of the Community that contribute to and preserve the rural and agricultural-based quality of life for the residents and surrounding communities.

POLICY 34.4.1: Lee County will support the development of nature- and agriculturally-based tourism opportunities where appropriate throughout the community. These opportunities include but are not be limited to bird watching, equestrian facilities, kayaking/canoeing, and bed and breakfast establishments.

POLICY 34.4.2: Lee County will facilitate appropriate access and use of Conservation 20/20 lands to support kayaking/canoeing, bird watching, hiking and other passive uses related to nature-based tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program.

OBJECTIVE 34.5: TRANSPORTATION. All road improvements within the North Olga Community considered by the County will address the Community's goal to maintain its rural character and provide for appropriate Levels of Service.

POLICY 34.5.1: Decisions regarding future improvements to North River Road or other public roadways within the North Olga Community should be based on careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these road improvements should provide opportunities for involvement of the North Olga Community.

OBJECTIVE 34.6: OPEN SPACE, RECREATION AND COMMUNITY FACILITIES: Lee County will facilitate appropriate public access to and the enjoyment of scenic, historic, recreational and natural resources in the North Olga Community.

POLICY 34.6.1: Lee County will incorporate key linkages within the North Olga Community into the Greenway Master Plan. These linkages will serve the purpose of providing a meaningful trail network, which will include connections to public recreational areas and minimization of disturbance to wildlife habitats and natural systems.

POLICY 34.6.2: Lee County will work with the North Olga Community and private landowners to identify opportunities for planning and enhancing public access to the Caloosahatchee River. This includes coordination with the South Florida Water Management District and the Conservation 20/20 Land Program to facilitate accessibility where deemed appropriate. Access to Conservation 20/20 lands will be in accordance with the Land Stewardship Plan.

POLICY 34.6.3: Proposed Planned Developments adjacent to the Caloosahatchee River will be encouraged to provide public access to the River.

POLICY 34.6.4: When the need for a community center within the North Olga Community is determined by the appropriate agencies, consideration of its construction for use as a hurricane shelter will be promoted.

OBJECTIVE 34.7: CONSERVATION: Lee County will preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation.

POLICY 34.7.1: Public access to the Caloosahatchee River will be balanced with protection and rehabilitation efforts, in order to preserve the River's natural features and function.

POLICY 34.7.2: New development will be encouraged to maintain on-site native vegetation communities where feasible and appropriate.

POLICY 34.7.3: Proposed Planned Developments will consider “Fire Wise” principles in their site design, including building orientation, access management, landscaping type and placement, and location of fire hydrants.

OBJECTIVE 34.8: AGRICULTURE. The North Olga Community will promote small and large-scale farming operations and alternative, agriculturally-based enterprises to sustain economically-viable agriculture, consistent with the Community’s resource protection goals, in order to preserve the agricultural heritage of the North Olga Community.

POLICY 34.8.1: Lee County will promote the development and expansion of existing and new agricultural businesses, such as agri-tourism, development of specialty agricultural products, and niche farming activities to allow for continued large- and small- scale agricultural opportunities. Niche farming includes but is not limited to specialized crops and/or the breeding and raising of livestock for specialized markets.

POLICY 34.8.2: Where appropriate, Lee County will promote the use of public and private lands for community gardens and farms.

POLICY 34.8.3: New development proposals will be evaluated for compatibility with adjacent, existing small- and large-scale farming operations.

OBJECTIVE 34.9: 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 34.9.1: As a courtesy, Lee County will register citizen groups and civic organizations within the North Olga Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registrants with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county’s failure to mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled.

POLICY 34.9.2: Lee County will work with the North Olga Community to establish a Document Clearing House, where copies of selected documents from permit applications, variance requests, staff reports and Lee Plan status updates made available to the public. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County’s failure to provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled.

POLICY 34.9.3: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the North Olga Community, as identified on Map 1, page 2 of 8, must conduct one public informational meeting where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary 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.

MAPS

In the event the BoCC desires to transmit the proposed amendment Planning staff recommends that the Board of County Commissioners transmit the proposed amendment to the Future Land Use Map series to include a Special Treatment Area on Map 1, Page 2 of 8, (Attachment 1) for the North Olga Community.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- In May of 2009, a seven (7)-member group of residents of North Olga and areas immediately adjacent to the study area took the initiative to form the North Olga Community Planning Panel (“NOCPP”).
- The North Olga Community Planning Panel held four (4) community outreach meetings, ten (10) planning panel meetings, and twenty-seven (27) stakeholder interviews were conducted prior to submitting the North Olga Community Plan.
- The North Olga Community Planning Panel submitted the North Olga Community Plan and proposed plan amendment on September 29, 2009.
- The Board of County Commissioners approved the NOCPP’s Community Planning grant application on October 27, 2009. Through this grant approval the Board of County Commissioners requested that the boundaries of the North Olga Community should be vetted out by Lee County staff.
- Staff finds that there is not a general consensus in the community concerning the creation of the North Olga Community Plan.
- Residents and stakeholders in the Alva Planning Community as identified in Map 16 of the Lee Plan should come to a consensus about the provisions that should be applicable to the differing regions of the planning community.

C. BACKGROUND INFORMATION

In May of 2009, a seven member group of residents of North Olga and areas adjacent to the study area formed the North Olga Community Planning Panel (NOCPP). The NOCPP formed a 501(c)(3) Not-for-Profit Organization and registered with the State of Florida Division of Corporations.

The NOCPP served as the advisory board for the planning process and Land Planning Solutions, Inc., and later EnSite, Inc. served as the Consultant and facilitator for all meetings and community outreach efforts. Prior to initial submittal of the North Olga Community Plan, the NOCPP conducted ten (10) public planning panel meetings. All meetings of the North Olga Community Planning Panel were held at the New Christian Church of North Fort Myers located at 17181 Tarpon Way in North Fort Myers.

The North Olga Community Planning Panel submitted the North Olga Community Plan to the Lee County Department of Community Development on September 29, 2009. Initial review of the North Olga Community Plan by Lee County staff revealed that the application was not sufficient for review, and also noted that the proposed Goals, Objectives, and Policies did not appear to be consistent with the North Olga Community Plan and were also inconsistent with the development patterns desired in the neighboring communities of Alva and Bayshore.

The Board of County Commissioners approved the NOCPP's Community Planning grant application on October 27, 2009 with a vote of 3-2. The approved motion signaled support of the North Olga Community by the Board of County Commissioners. The motion also provided direction to County staff to work with the community and the North Olga Community Planning Panel on the North Olga Community Plan.

The North Olga Community Planning Panel and their consultant worked with Lee County staff to develop a set of Goals, Objectives, and Policies that would be consistent with its Plan and neighboring communities. The reworked Goals, Objectives, and Policies were submitted to the Lee County Department of Community Development on March 25, 2010.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed publicly-initiated amendment application was initially submitted to the Lee County Department of Community Development on September 29, 2009. Planning staff provided copies of the proposed amendment and requested comments from various county departments, including:

- County Attorney's Office
- Emergency Medical Service Division
- Lee County Sheriff
- Department of Natural Resources
- Lee Tran
- Lee County School District
- Parks and Recreation
- Lee County Department of Transportation
- Development Services Division
- Environmental Sciences Division
- Zoning Division
- Utilities Division
- Lee County Port Authority
- Lee County Economic Development
- Public Works Department
- Lee County Health Department
- Department of Public Safety
- Lee County Public Works
- Conservation 20/20

Written comments were received from the County Attorneys Office, the Department of Transportation, Division of Environmental Sciences Lee County Parks, Emergency Medical Services, Lee County Public Works, and Conservation 20/20.

Planning Division staff provided a written sufficiency review to the community's consultant on January 6, 2010. Subsequent to the issuance of the sufficiency review letter the North Olga Community Planning Panel, through its consultant, has worked with staff to revise the North Olga Community Plan in response to the sufficiency and substantive issues raised in the letter. The North Olga Community Plan, including revised Goals, Objectives, and Policies was submitted to Lee County on March 25, 2010. Staff has reviewed this submittal and found it to be sufficient, therefore the comments in this staff report are based on the review of the March 25, 2010 submittal.

The proposed Lee Plan Amendment and The North Olga Community Plan recognize the community's location within the greater Alva Planning Community. The proposed Lee Plan text amendments are consistent with the predominantly rural development pattern of northeastern Lee County and the existing Density Reduction / Groundwater Recharge and Rural Future Land Use Categories. The North Olga Community Plan serves to recognize North Olga as a distinctive community with a different historical background, characteristics, issues and concerns than currently represented in the Alva or Bayshore Community Plans. At the same time, the proposed Goals, Objectives, and Policies will produce a development pattern that is consistent with these neighboring communities. However, as noted below in

the event that the Board of County Commissioners desires to transmit the proposed amendment, staff is recommending minor revisions to the Goals, Objectives, and Policies proposed by the community.

COMMUNITY PLANNING HISTORY

Community planning has a history that parallels comprehensive planning efforts in Lee County. Lee County adopted its first comprehensive plan in 1984. Shortly after or even concurrently with the Lee County comprehensive planning efforts there were several communities that expressed their desire to have provisions that were specific to their area.

Comprehensive planning efforts of Lee County on Pine Island were assisted by the Greater Pine Island Civic Association (GPICA). In 1989 the GPICA went on create a complete community plan that addressed natural and historic resources, transportation and residential and commercial land uses. Later in 1999 when Pine Island stakeholders sought to update their community plan, Lee County provided \$5,000 for the community to use as seed money.

Similarly, dating back to 1991, the Buckingham Preservation Committee worked with Lee County to get the Buckingham Sector Plan adopted. The Buckingham Sector Plan revealed consensus among the residents of the Buckingham area about the direction planning efforts in that geographic area should take. As recently as the 2008/2009 Regular Amendment Cycle the consensus shared by the Buckingham Community has continued as they worked to adopt amendments to the Buckingham Community Plan.

Over time, more and more citizens from Lee County have expressed an interest in pursuing the creation of community plans to guide the growth and development within specific communities throughout the County. Staff asked the Board of County Commissioners if they wanted to provide support for these efforts. The Board of County Commissioners did want to do that, and Lee County supported these planning panels/committees. Lee County in general supports communities' desire to create unique communities by developing a set of policies and objectives specific to their geographic area. Community panels developed their respective community plans through grass roots planning efforts and have taken the time to form broad community consensus. This has allowed County staff to review the communities proposal for consistency with the Lee Plan and the Board of County Commissioners to adopt a community's plan with the understanding that there was broad support for the provisions that were being proposed.

Some of these groups had sought public funds to assist in retaining the planning professionals necessary to develop a community plan and prepare the companion comprehensive plan objectives and policies. To further support these community planning efforts the Board of County Commissioners directed staff to propose standards to govern the preparation of community plans, and standardize a process to provide financial assistance to these planning panels/committees. In response to that request, the Department of Community Development prepared Administrative Code 13-3 to govern the community planning process where the community group receives public funds to defray the cost of the planning effort. In June 2001, the Lee County Board of County Commissioners adopted an ordinance that provided the ability to provide financial support to community planning efforts.

In the past the Board of County Commissioners has not supported community planning efforts where there was not a consensus among the stakeholders living within the area. In the early 1990's the Alva Preservation Committee worked with Lee County Planning Staff to prepare an Alva Sector Plan, applicable to the area within the Alva Planning Community as identified on Map 16 of the Lee Plan, which

included the proposed North Olga Planning boundary. This plan was intended to protect the community from having rural lands converted to suburban development patterns. The 1992 Alva Sector Plan was not approved, due to a lack of consensus of the stakeholders in the area. However, many in the community continued to work together, and in 2006 submitted a version of their community plan to Lee County that included a revised Vision Statement, a new Goal, Objectives, and Policies, and a new Future Land Use category specific to the historic core of Alva. This plan was adopted by the Board of County Commissioners on February 25, 2009.

PUBLIC SUPPORT

Staff worked with the North Olga Community Planning Panel to develop Goals, Objectives, and Policies for the North Olga area. However, staff is concerned that there seems to be a lack of consensus for the North Olga Community Plan, in particular the boundary area..

The community's consultant circulated a petition to identify individuals and property owners that favored the creation of the North Olga Community Plan. The consultant also provided a map identifying the property owners that signed the petition, and those that did not sign the petition. Staff verified the petition and was able to reproduce the map provided by the consultant. The geographic location of the individuals who signed the petition, indicating their desire to create the North Olga Community Plan, shows a clear decrease in the desire to create the North Olga Community Plan from west to east. Staff also notes direction of the BoCC to exclude the Conservation 20/20 properties from the North Olga Community.

An alternate petition drive was conducted by Alva Inc, another group within the Alva Planning Community. The petition specifically stated that "I reside in the area between the Caloosahatchee Regional Park and SR 31. I am opposed to the 'North Olga Plan'. I request community planning for this area remain under the leadership of Alva Inc." Staff also verified this petition's signers and generated a map of these properties. A map indicating the planning boundaries funded by the Board of County Commissioners on October 27, 2010, and the signers of both petitions is attached for reference purposes.

In addition to the petitions, individuals and the neighboring community planning groups of The Concerned Citizens of Bayshore Community (CCBC) and Alva Inc have provided statements that they are opposed to the creation of the North Olga Community Plan. All three groups, North Olga Community Planning Panel, Alva Inc, and CCBC, have been in contact with staff and have made valid points. However, the 'dueling' petitions and opposing views that have been expressed during the planning process have revealed that there is not a general consensus among the stakeholders in this area. Planning staff feel that at this time the stakeholders that make up this area should work together and come to a consensus concerning all the planning efforts that are ongoing within the Alva Planning Community.

Planning staff is hopeful that with more time and discussion the stakeholders in the area will be able to arrive at an amicable resolution to this dispute. Planning staff is willing to help facilitate any necessary meeting that may be necessary to accomplish this.

PROPOSED LEE PLAN LANGUAGE:

Planning staff recommends that the Board of County Commissioners not transmit the proposed amendment. However, if the Board of County Commissioners desires to transmit the proposed amendment staff recommends that the following be transmitted with the modifications proposed by staff as noted below. The community's proposed Goals, Objectives, and Policies in their entirety are included with this staff report in Attachment 3. The analysis that follows only discusses the goal, objectives, or policies that

are the subject of Lee County staff recommended changes. Staff found the objectives and policies not identified in this section to be consistent with the North Olga Community Plan, the surrounding communities, and the Lee Plan. Staff's language is shown below in strike through and underline format relative to the Goals, Objectives, and Policies submitted to Lee County on March 25, 2010 by the North Olga Community Planning Panel. In addition to the staff proposed language in the following section is an analysis and discussion of the changes proposed by staff:

Please note: The community's consultant originally submitted the North Olga Goal and subsequent objectives and policies as Goal 36. However the next goal available for codification purposes is Goal 34. Therefore staff has renumbered the submitted Goals, Objectives, and Policies with the number 34.

VISION STATEMENT

North Olga: ~~This North Olga Community boundaries are defined by Map 1, Page 2 of 8, of the Lee Plan, is located north of the Caloosahatchee River, east of the Caloosahatchee Regional Park and Bob Janes Preserve, south of the Lee/Charlotte county line, and west of State Road 31.~~ The Community is predominantly designated within the Rural and DR/GR Future Land Use Categories, with areas of Public Facilities, Wetland and ~~Outlying~~ Island. The North Olga Community desires to maintain and enhance the rural character of the community while promoting its heritage and historical significance in the early development of Lee County. Desired outcomes of the planning process include prevention of sprawling land use patterns, ensuring attractive development via enhanced design standards, and creation of economic development opportunities focused around the rural, agricultural and environmental attributes of the Community. Implementation of this vision will ensure the rural character and heritage of North Olga is protected and allow the area to emerge as a distinctive community within the context of eastern Lee County.

Staff is proposing to tie the community's boundaries to the Future Land Use Map Series. Defining the North Olga Community boundary with a map will make the community easier to identify and recognize. This approach is consistent with how the county has incorporated community plans in the past.

GOAL 34: NORTH OLGA COMMUNITY. To preserve and promote the unique character, historic heritage, and quality of life in North Olga, as well as proactively and appropriately plan for this area by providing greater opportunities for public participation in the land development review process. For the purpose of this Goal, the North Olga Community boundaries are defined by Map 1, Page 2 of 8, of the Lee Plan ~~the Caloosahatchee River to the south, State Road 31 to the west, the Caloosahatchee Regional Park/County-owned Bob Janes Preserve to the east, and the Lee/Charlotte county-line to the north.~~

The changes recommended by staff do two things. First the boundary will be defined by a Map within the Lee Plan, which is makes the area easier to identify and recognize. Secondly, staff has reviewed the data provided by the community's consultant and the requests and discussion of the Board of County Commissioners that took place on October 27, 2010. At that time Commissioner Bob Janes requested that Conservation 20/20 properties not be included in the boundaries of the North Olga Community. Other commissioners also agreed that the boundaries of the North Olga Community should be "vetted" by staff through the regular plan amendment process.

POLICY 34.2.1: ~~Any proposed residential development~~ New subdivisions of greater than or equal to 100 or more acres that create five or more lots will require review through the Planned Development (PD) rezoning process.

Staff agrees with the intent of this policy proposed by the community, however the language as proposed could have had some unintended consequences. The community's proposed language stated that:

"Any proposed residential development greater than or equal to 100 acres will require review through the Planned Development (PD) rezoning process".

The proposed policy, as submitted by the North Olga Community Planning Panel (NOCPP) would require a planned development for a single home being built on 100 or more acres. This could include creating a single residential home site on a 100 or more acre agricultural parcel. This is not a requirement that was intended by the NOCPP. The language suggested by staff avoids this unintended consequence by including the term "subdivides" and provides a set number of lots. The Lee County Land Development Code, in Section 10-1 clarifies that "A division of land into tracts ten acres or larger, if the tracts are used for bonafide agriculture purposes, as that term is defined in this code is not a subdivision of land". This would preclude divisions of land into tracts ten acres or larger that are used for bonafide agriculture purposes from requiring a Planned Development rezoning. The policy proposed by staff meets the intention of the policy proposed by the community and is consistent with the Lee Plan and other Lee County regulating documents.

POLICY 34.2.3: Any proposed residential development within the North Olga Community that is adjacent to an existing large lot residential area will provide appropriate separation, such as a minimum lot size of one (1) unit per acre for any proposed lots abutting the perimeter of property line(s), to assure compatibility.

Staff has no issues with the intent of the policy proposed by the NOCPP. Staff has revised the above policy to clarify its intent. Staff recommends that the Board of County Commissioners transmit the policy language as revised above.

POLICY 34.3.1: Lee County will support ancillary commercial uses within the Rural designated areas of throughout the North Olga Community that promote the rural and agricultural character of the community, ~~as otherwise allowed if appropriate zoning approval is granted.~~

The policy proposed by the NOCPP is inconsistent with the Lee Plan. The North Olga Community, as a whole, includes lands within the Density Reduction/Groundwater Recharge (DR/GR) and the Rural future land use categories. The DR/GR future land use category, described in Policy 1.4.5 of the Lee Plan, does not permit commercial uses. Therefore, it would be inconsistent for Lee County to support commercial uses within the DR/GR future land use category. Staff is proposing that the policy should be revised by adding "within the Rural designated areas of" and removing "throughout." This change will create a policy that is consistent with the Lee Plan by limiting the desired ancillary commercial uses to the Rural future land use category with the appropriate zoning approvals.

~~**OBJECTIVE 34.5: TRANSPORTATION.** All road improvements within the North Olga Community considered by the County will address the Community's goal to maintain its rural character and provide for safe and appropriate Levels of Service. For the purposes of this Objective, rural roadway character is defined as roadways designed to preserve or enhance the aesthetic character of a rural area.~~

POLICY 34.5.1: Any expansion of State Road 31 or North River Road should address the rural character of the North Olga Community and surrounding areas through context sensitive design treatments including but not limited to landscaping, signage, and drainage. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Olga Community.

POLICY 34.5.2: Lee County and the appropriate state agencies will work with the citizen groups and civic organizations within the North Olga and Bayshore Communities to explore the feasibility and potential funding for planning and implementing a corridor management plan for State Road 31 in a manner that promotes a safe, high quality, context-sensitive roadway. Plan elements will address roadway and median landscape standards, buffering standards, access management guidelines, street lighting, signage, sidewalks/pathways, bikeways, and effective pedestrian crossings.

The Transportation objective and subsequent policies that were submitted by the applicant on March 25, 2010 created the largest area of concern for Lee County staff. The Lee County Department of Transportation staff provided written comments about the transportation objective to the Planning Staff. The Department of Transportation's comments were provided to community's consultant. The consultant reworked this objective and submitted the following reworked transportation objective on April 12, 2010:

OBJECTIVE 36.5: TRANSPORTATION. All road improvements within the North Olga Community considered by the County will address the Community's goal to maintain its rural character and provide for appropriate Levels of Service.

POLICY 36.5.1: Decisions regarding future improvements to North River Road or other public roadways within the North Olga Community should be based on careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these road improvements should provide opportunities for involvement of the North Olga Community.

Lee County staff reviewed the new objective and policy provided by the community's consultant on April 12, 2010, and has no objections to the proposed language.

OBJECTIVE 34.6: OPEN SPACE, RECREATION AND COMMUNITY FACILITIES: Lee County will facilitate appropriate public access to and the enjoyment of scenic, historic, recreational and natural resources in the North Olga Community including, but not limited to the Caloosahatchee River, Franklin Locks and Conservation 20/20 lands, Bob Janes Preserve and Caloosahatchee Regional Park.

The analysis completed by staff showed that there was not community support for the North Olga Community Plan in the areas indicated in the struck-thru section of the above policy. Staff in general supports the community's desire to increase access to community facilities. Therefore staff is recommending that the general portion of this policy could be transmitted, but mentioning of the specific facilities should be removed from the proposed policy.

OBJECTIVE 34.9: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during ~~The North Olga Community will promote enhanced community~~

participation in the planning of capital improvements; the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 34.9.1: As a courtesy, Lee County will register citizen groups and civic organizations within the North Olga Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments, ~~including the North Olga Community Planning Panel~~. Upon registration, Lee County will provide registrants with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled.

POLICY 34.9.3: The owner or agent of a requested zoning action for any Planned Development (planned development, conventional rezoning, special exception, or variance requests) within the North Olga Community, as identified on Map 1, page 2 of 8, must will conduct one (1) public informational session meeting 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 advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary 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.

Planning staff does not have issue with the intent of the proposed Public Participation Objective, but has recommended the changes indicated above to be consistent the public participation objectives of other community plans that have recently be adopted by the Board of County Commissioners. There is one significant procedural change between the Objective submitted by the community and the Objective recommended by staff. The community's proposed objective provided that a potential developer would only be required to conduct a public informational meeting for planned development rezoning cases. The changes proposed by staff provides that the potential developer must conduct one public informational meeting prior to being found sufficient for all zoning actions, which in addition to planned development cases, also includes conventional rezoning, special exception, and variance requests.

CONCLUSIONS

Staff has worked with the applicant to develop Goals, Objectives and Policies that are consistent with existing provisions of the Lee Plan. However, at this time staff does not finds that there is overwhelming, grassroots support for the creation the North Olga Community Plan, and believes that the area stakeholders should work together to develop consensus.

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

DATE OF PUBLIC HEARING: April 26, 2010

A. LOCAL PLANNING AGENCY REVIEW

The applicant, North Olga Community Planning Panel (NOCPP), made a presentation to the Local Planning Agency on February 22, 2010. The NOCPPs presentation included the recent history of the planning panel and the progress that has been made on the creation of the North Olga Community Plan. Members of the Local Planning Agency made a few comments but did not ask many questions of the applicant because the comprehensive plan amendment application had not been found sufficient, and staff had not presented a staff report. The Local Planning agency was not asked to make a recommendation on this date.

DATE OF PUBLIC HEARING: May 24, 2010

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief presentation concerning the proposed amendment. The presentation clarified that staff found the applicant's proposed Goals, Objectives, and Policies consistent with the Lee Plan. However staff found that there is not consensus within the Alva Planning Community about the creation of the North Olga Community Plan. Members of the Local Planning Agency asked a few general questions of staff to clarify staff's position. The applicant, gave a brief presentation, and also stated that they were in agreement with staff on the Goals, Objectives, and Policies and the proposed community boundary, but they did not agree with staff about the consensus issue. After a short break the members of the public provided comments about the creation of the North Olga Community Plan. Sixteen individuals that live within the area that would be directly affected by the North Olga Community Plan addressed the Local Planning Agency. Of these individuals, ten supported the North Olga Community Plan, and six were against creating the plan. In addition to those who lived within the proposed boundaries, there were six other individuals who spoke against the creation of the North Olga Community Plan. These individuals included the presidents of the Alva Inc, Concerned Citizens for Bayshore, and East Lee County Council. Following public comments, the meeting was continued at the request of the applicant's representative to a date and time certain on June 7, 2010.

DATE OF PUBLIC HEARING: June 7, 2010

A. LOCAL PLANNING AGENCY REVIEW

Staff addressed the Local Planning Agency, stating that there was no changes to the staff report or the staff recommendation. Staff also reminded the Local Planning Agency that the public comment portion of the hearing had been closed. A representative of the applicant provided a presentation to the Local Planning Agency again stating that the applicant has met all of the community planning requirements, and agrees with staff that the Goals, Objectives, and Policies are consistent with the Lee Plan and the surrounding communities, but that the did not agree with the that there was not consensus within the community. Following the applicant's presentation members of the LPA made general statements about the issue and asked questions of both staff and the applicant.

A motion was made to not transmit CPA2009-02, as recommended by staff. The motion failed 3-3. A separate motion was made to transmit CPA2009-02. The motion failed 3-3. One member of the Local Planning Agency abstained due to a conflict of interest.

According to Administrative Code 13-6 Part D(3), when the vote results in a tie vote “the recommendation of the LPA will be conclusively presumed to be a recommendation not to transmit”. Therefore the LPA does not recommend transmittal of CPA2009-02.

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

DATE OF TRANSMITTAL HEARING: June 16, 2010

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

VACANT

RAY JUDAH

FRANKLIN B. 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**
- C. RECOMMENDATION**

**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

VACANT

RAY JUDAH

FRANKLIN B. MANN
