

**CPA 2008-23
BOARD SPONSORED
PUBLIC FACILITIES UPDATE
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
September 23, 2009 Public Hearing

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September 9, 2009

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2008-23**

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: January 15, 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:

Amend the Future Land Use Map Series, Map 1 by updating the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: .

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element, Map 1, The Future Land Use Map, by redesignating the parcels listed in Table 1 to the Public Facilities future land use category.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- A variety of parcels of land owned by Lee County being used for public facilities are not included in the Public facilities future land use category.
- Florida Administrative Code 9J-5.006(4)(a)8 and 9 requires that the Lee Plan include a future Land Use Map that indicates the location of public facilities and uses.
- Lee County has acquired additional parcels since the last public facilities update (CPA2005-29). In addition, Planning Staff have identified properties that are currently being used as public facilities.

C. BACKGROUND INFORMATION

On May 16, 2007 the Board of County Commissioners adopted Lee Plan Amendment CPA2005-29. This was the last time the Board amended the Public Facilities future land use category on a county-wide basis. This amendment proposed to redesignate parcels throughout the County to the Public Facilities future land use category. The decision is based on the parcel either being acquired by a public agency to be used as a public facility or the parcel is currently being used as a public facility, per Lee Plan Policy 1.1.8, which is reproduced below:

***POLICY 1.1.8:** The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, and other government facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.*

Florida Administrative Code 9J-5.006(4)(a) 8 and 9 requires that the Lee Plan include a Future Land Use Map that indicates the location of public buildings, grounds, and other facilities. In order to remain consistent with this state mandate, the Future Land Use Map should be periodically updated.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Lee County has acquired additional parcels of land since the last county-wide review of the Public Facilities future land use category. Other parcels are owned by the City of Fort Myers or the Regional Planning Council.

Table 1 lists the parcels as well as the future land use category from which each one is being changed.

Four of the subject parcels are located in or close to the downtown area of the City of Fort Myers. The first is the Regional Planning Council building on Victoria Avenue. The second parcel is the Fort Myers Chamber of Commerce building at the intersection of Lee Street and Edwards Drive. Across Lee Street from this parcel is Palms Park which is also owned by the City. The fourth parcel is a City-owned park area located between the Fort Myers Historical Museum and Dr. Martin Luther King Jr Boulevard. Redesignating these parcels to the Public Facilities future land use category will make the Future Land Use Map more accurate and bring it into greater conformance with the Lee Plan.

In January 2006, the County acquired a parcel along Ten-Mile Canal for use as a linear park. The majority

of the parcels that make up the linear park were put into the Public Facilities future land use category by Lee Plan Amendment CPA2005-29. Placing the subject parcel into the Public Facilities category will make the entire linear park consistently one category. In addition, it will fill a gap in the Public Facility category.

The next parcel is located at the southeast corner of the Southwest Florida International Airport parcel. It is the Greenmeadows Water Treatment Plant and is currently designated as part of the Density Reduction Groundwater Resource future land use category. Per Lee Plan Policy 1.1.8, this parcel should be placed in the Public Facilities future land use category.

The next subject parcel is a 1.6 acre strip of land owned by the East County Water Control District. The parcel abuts Harnes Marsh Elementary School on the south and a 331 acre parcel to the north which is also owned by the East County Water Control District and is currently designated as Public Facilities. The parcel is currently only used passively. Placing this parcel into the Public Facilities category will be consistent with the larger facility abutting on the north. In addition, this will eliminate an inconsistent area of Urban Community designated land laying between two public facilities.

The last parcel consists of two access points for driveways located on the north side of Lehigh Acres Middle school. These driveways allow access to the school from Arthur Avenue and are currently part of the school parcel.

B. CONCLUSIONS

Lee Plan Map 1, The Future Land Use Map, should be updated in order to be as accurate as possible and maintain consistency with the requirements of the Florida Administrative Code.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element, Map 1, The Future Land Use Map, by adding the parcels listed in Table 1 to the Public Facilities future land use category.

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

DATE OF PUBLIC HEARING: January 26, 2009

A. LOCAL PLANNING AGENCY REVIEW

Planning staff made a presentation. The LPA did not provide any comment on the proposed amendment.

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	<u>AYE</u>
CINDY BUTLER	<u>AYE</u>
CARRIE CALL	<u>AYE</u>
JIM GREEN	<u>AYE</u>
MITCH HUTCHCRAFT	<u>AYE</u>
RONALD INGE	<u>AYE</u>
CARLA JOHNSTON	<u>AYE</u>

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

DATE OF TRANSMITTAL HEARING: September 23, 2009

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

ROBERT P. 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:

BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANK MANN
