

**CPA 2009-04
2009 CAPITAL IMPROVEMENT
ELEMENT UPDATE
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCC Transmittal Document

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December 16, 2009

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2009-04**

Text Amendment

Map Amendment

	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 17, 2009

PART I - 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 the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program for Lee County. Amend the Lee Plan Capital Improvement Element, Table 3(a), to incorporate the latest adopted Lee County School District Facilities Work Plan.

B. BACKGROUND INFORMATION

Florida State Statute requires that this amendment be updated annually. This is in accordance with FS163.3187(1)(j) which allows this amendment to be adopted without a transmittal phase.

Florida Statute requires local governments' comprehensive plans to include a Capital Improvement Element that is reviewed and modified on an annual basis. In 2005, the Florida Legislature adopted Senate Bill 360, which mandated the inclusion of public education facilities into local governments concurrency management programs. The Senate Bill also required local governments to include the local school districts capital improvement plan in their comprehensive plans. This legislation requires

each local government adopt a Public School Facilities Element (PSFE) as part of its Comprehensive Plan and amend its Capital Improvement Element in order to demonstrate financial feasibility.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners amend the Capital Improvements Element by adopting revised Tables 3 & 4 to reflect the latest adopted Capital Improvement Program. Staff also recommends that the Board adopt the updated Lee County School Districts School Capital Improvement Program as Table 3(a) of the Capital Improvement Element.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- In 2001, the BOCC adopted a county-wide School Impact Fee ordinance (Ordinance 01-22) that requires the school district present the Board of County Commissioners with a proposed CIP for educational facilities for each fiscal period.
- In 2008, Lee County adopted CPA2008-11, which updated the County Capital Improvement Plan (Tables 3 and 4) and incorporated the Lee County School District CIP as Table 3(a).
- Florida Statute 163.3177 [12][c] requires the Lee Plan Capital Improvement Element include portions of the School District CIP.
- The updated CIP and School District CIP cover Fiscal Years FY09/10-13/14
- Florida Statute Section 163.3180 requires that each local government adopt a Public School Facilities Element.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The latest CIP adopted by the Board of County Commissioners covers fiscal years FY09/10 to FY13/14. In order to keep the Lee Plan up-to-date with the County's latest plans, revised Tables 3 and 4 have been prepared and are attached to this report. Revised Table 3 is a direct reproduction of relevant sections of the CIP. Revised Table 4 addresses the relation of individual capital projects with the Lee Plan. It lists the total revenue and capital improvement expenditures for the five year period covering FY 09/10 to FY 13/14. The total five-year revenue is \$479,249,000. This matches the listed total five year expenditures for capital improvements.

Therefore, the proposed five-year Capital Improvement Plan demonstrates financial feasibility. Adoption of this amendment will bring the Lee Plan into compliance with the requirements to annually update the CIP.

Florida Statute 163.3177(12)(c) requires the Capital Improvements Element of the comprehensive plan to include the CIP of the Lee County School District. The proposed School CIP covers fiscal years FY09/10 to FY13/14. The Lee Plan must now be amended to include the updated School CIP.

In response to state requirements, the proposed Table 3(a) has been attached to this report. Table 3(a) was generated from data included in the Lee County School District 2009-2010 Work Plan. The tables from the Work Plan titled "Capacity Project Schedules" and "Other Project Schedules" were used to create Table 3(a). Table 3(a) was created in a format similar to Lee Plan Table 3, The Capital Improvement Program. This amendment incorporates the most current School CIP into the Capital Improvements Element.

Major funding sources for the Schools Capital Projects Fund include Public Education Capital Outlay (PECO) funds, Classrooms For Kids funding, and property tax revenues. The first two sources are collected and allocated by the State. Property tax revenues are levied by the School Board. PECO funds are derived from utility taxes and are the primary state-level source for capital projects. Classrooms For Kids funding is used to build facilities to reduce class sizes. The property tax is generated by a levy of 2.00 mills for capital projects. These revenue sources are summarized by tables on pages 5 through 8 of the 2009-2010 Work Plan.

The table shown on page 1 of the 2009-2010 School District Work Plan lists the five-year totals for revenues and project costs for new construction and remodeling projects. The five-year total for revenues is \$66,018,939. The five-year total for project costs is also \$66,018,939. The listed revenues are identical to the project costs which means that the work plan is both balanced and financially feasible.

B. CONCLUSIONS

Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.

By incorporating the updated School CIP, this amendment will update the Capital Improvement Element in compliance with Florida Statutes.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners amend the Lee Plan by incorporating the attached revised Tables 3 and 4 into the Capital Improvements Element and include the latest adopted Lee County School Districts School Capital Improvement Program as Table 3(a).

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

DATE OF PUBLIC LPA HEARING: November 23, 2009

A. LOCAL PLANNING AGENCY REVIEW Staff gave a brief presentation concerning the proposed amendment. One LPA member corrected staff spelling on one entry on Table 3(a). No one from the public commented 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 adopt the proposed amendment as recommended by staff.

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

CARIE CALL

ABSENT

JIM GREEN

AYE

MITCH HUTCHCRAFT

ABSENT

RONALD INGE

AYE

CARLA JOHNSTON

AYE

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

DATE OF ADOPTION HEARING: December 15, 2009

A. BOARD REVIEW: County Attorney staff provided a brief presentation on the proposed amendment. The Board of County Commissioners provided no comment on the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board of County Commissioners adopted the proposed amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as presented by staff and the Local Planning Agency.

C. VOTE:

BRIAN BIGELOW	<u> </u> AYE
TAMMARA HALL	<u> </u> AYE
RAY JUDAH	<u> </u> AYE
ROBERT P. JANES	<u> </u> AYE
FRANK. MANN	<u> </u> AYE