

**CPA2010-22  
CALOOSAHATCHEE SHORES  
COMMUNITY PLAN CLARIFICATIONS  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

Lee County Board of County Commissioners  
Sponsored Amendment and Staff Analysis

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**BoCC Adoption Document**

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Lee County Planning Division  
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September 28, 2011

LEE COUNTY

**DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2010-22**



**Text Amendment**



**Map Amendment**

<b>This Document Contains the Following Reviews:</b>	
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
✓	<b>Staff Response to Review Agencies' Comments</b>
✓	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: March 17, 2011

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

CALOOSAHATCHEE SHORES & OLGA PLANNING COMMITTEES

**SPONSOR:**

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

**2. REQUEST:**

Amend Map 1, Special Treatment Areas, Page 2 of 8, Community Planning Areas, to modify the boundary between the Caloosahatchee Shores and Olga Communities. Clarify the appropriate areas for commercial and mixed uses. Clarify the public participation language in Policy 21.6.3.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

Staff recommends that the Board of County Commissioners **adopt** the proposed amendment to the Lee Plan as shown below. This section of the staff report contains proposed text in strikethrough and underline format as it relates to the existing Lee Plan. This recommendation also includes modifying the Caloosahatchee Shores and the Olga community boundaries as depicted on Lee Plan Map 1, Page 2 of 8.

**Future Land Use Element:**

**OBJECTIVE 21.2: COMMERCIAL LAND USES.** New commercial uses will be limited to properties already zoned for commercial uses as well as commercial centers designated on Map 19, the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, properties located in the State Route 80 Corridor Overlay District, the Verandah Boulevard commercial node, lands with the Commercial Future Land Use designation, and Future Urban Areas including the central urban and suburban categories adjacent to S.R. 80. New commercial zoning must be approved through the Planned Development rezoning process. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

**POLICY 21.2.1:** To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

The Verandah Boulevard commercial node is intended for Minor Commercial levels as defined in Policy 6.1.2. Office and residential uses consistent with the Suburban designation are also allowed in this Minor Commercial node.

**POLICY 21.2.2:** In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be ~~discouraged~~ prohibited.

**POLICY 21.2.3:** ~~Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian-oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection. The Olga Mall property, 2319 S. Olga Drive, may continue to provide minor commercial retail services for the Olga community.~~

**POLICY 21.6.3:** The owner or agent for any Planned Development of a requested Lee Plan amendment or zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Caloosahatchee Shores 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 the public workshops information session. 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 public information session; and a proposal for how the applicant will respond to any issues that were raised.

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- This amendment was initiated as part of the 2010/2011 Regular Amendment Cycle.
- The Caloosahatchee Shores Planning Panel has approached Lee County seeking several clarifications in the Caloosahatchee Shores Plan including modifying the boundaries of the Caloosahatchee Shores and Olga communities as depicted on Lee Plan Map 1, Page 2 of 8.
- Using the plat records for Fort Myers Shores as a comparison, the remaining areas to the east have historically been identified as being within the Olga community.
- The proposed revision to Policy 21.6.3 clearly specifies what types of applications must conduct a public informational session with the community.
- The majority of the lands located along Buckingham Road have been rezoned to accommodate residential communities.
- The amendment recognizes already established commercial areas for continued development and redevelopment.

## **C. BACKGROUND INFORMATION**

The Board of County Commissioners adopted the Caloosahatchee Community Plan (CPA2002-04) on October 23, 2003. The Community Plan included revisions to the Fort Myers Shores Vision Statement as well as adding a goal and subsequent objectives and policies to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort. The additional Lee Plan policy language defined the Caloosahatchee Shores Community boundaries, community character, commercial land uses, residential uses, mixed use development, community facilities/parks, and public participation. This amendment also reclassified lands along Buckingham Road to the Outlying Suburban Future Land Use category, limited to 2 dwelling units per acre. These lands were subsequently added to the Sub-Outlying Suburban category.

Subsequent to the adoption of the Community Plan, the Board of County Commissioners directed staff to evaluate the land use designations of Future Land Use Map, Map 1, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area. This evaluation was contained in CPA2004-13 and was adopted on October 12, 2005. The result of the amendment was to add parcels in the south eastern and south western quadrants to the General Commercial Interchange Area.

On May 16, 2007, the Board of County Commissioners adopted Lee Plan amendment CPA2005-08 which slightly modified Policy 21.1.4 to include the community's desire for enhanced code enforcement standards to be incorporated in land development code Chapter 33.

On February 25<sup>th</sup>, 2009, the Board of County Commissioners adopted CPA2007-01. This amendment included a policy, Policy 21.1.5, which provides that it is the community's goal to retain its rural character and rural land use where it currently exists and provided that no land use map amendments to the remaining rural lands category will be permitted unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

Also on February 25<sup>th</sup>, 2009, the Board of County Commissioners adopted a new Goal, Objective, and Policies specific to the Olga community located within the Caloosahatchee Shores planning area as well as re-designating specific parcels to the Commercial and Conservation Lands future land use categories.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

Planning staff has been meeting with members of the Community Planning panel to discuss modifications to the Community Plan. The Community has identified the need to modify the boundary between the Caloosahatchee Shores and Olga Communities. The planning committee recognizes that the map boundaries, as adopted, did not accurately define the boundaries of Olga sub-area. The panel also would like to re-visit the issue of appropriate land uses along the SR 31 corridor. Staff notes that there is on-going litigation on the corridor and that it would be best to resolve that issue before further planning restrictions are imposed along the corridor. The panel would like to add policy language directed towards the identification of appropriate areas for commercial and mixed uses. The panel would also like to clarify the public participation requirements to specify the types of applications that require the public information session. This staff report will provide an evaluation of these issues in this order.

### **COMMUNITY BOUNDARY MODIFICATION**

As previously stated, the two local Community Planning Committees approached Lee County staff and asked that the Caloosahatchee Shores and Olga Community boundaries be slightly modified. The Caloosahatchee Shores Community Planning Committee and the Olga Community Planning Committee provided the following explanation (see Attachment 7):

*“As we came closer to the finalization of the Caloosahatchee Shores Plan language, it became apparent, to our planning committee, that the Map of the boundaries did not accurately define the boundaries of the sub-tending Olga community area. A review of the existing Olga Community Plan boundary map highlighted an error of omission. It appears that the existing Olga Plan had as a central focus a location approval of a minor neighborhood commercial node. The Olga Community Map included in the plan, in our opinion, tried to define an impact area rather than the total Olga Community.*”

*Rather than speculate on the defining boundaries of the Olga Community, the Caloosahatchee Shores Planning Committee went back in history to a time where Olga was the only named community between the Orange River to the west and Hickey Creek to the East, north of Owanita Rd. (a.k.a S.R. 80). Three signature events later sub divide Olga, construction of the FPL plant, building of the S.R. 31 Bridge, and the establishment of the Fort Myers Shores Community development.*

*Using the six sub division plat records for Fort Myers Shores then plotting them as an overlay on current street maps, clearly define the remaining area as OLGA.*

*As a matter of fairness and correctness to the Olga Community Identity, please amend the Community Plan map to reflect this update.”*

The existing community boundaries are contained on Lee Plan Map 1, Page 2 of 8 (see Attachment #1). Planning staff and members of the community met several times to discuss the proposed modifications. The discussions focused on the lands to the west of the existing designated Olga community. These discussions resulted in the proposed modifications contained in this proposed amendment.

The proposal includes removing three specific areas from the Caloosahatchee Shores Community and adding these areas to the Olga Community. The additions include one east and one west of the existing Olga community as depicted on Map 1, Page 2 of 8. The proposed revision also includes adding an area within the Caloosahatchee River, including an ox bow area, to bring the Olga boundary to the location of the existing Caloosahatchee Shores Community Planning Area.

The proposed community boundaries, subsequent to the amendment, are contained on Attachment #2. Staff has also attached an aerial depicting the Caloosahatchee Shores and Olga communities and the areas subject to the modification of the community boundary (see Attachment #3). The next image that staff is attaching to the amendment focuses on the Olga community boundary highlighting the proposed additions (see Attachment #4). Staff has also provided a close up image of the eastern and western additions to the Olga community (see Attachments #5 and #6). The Caloosahatchee River area modification is depicted on Attachment #4.

The east addition is located east of the Franklin Locks and north of Palm Beach Boulevard. The area contains 237.77 acres. This area includes the Olga Water Treatment Plant, single family residences, agricultural uses, and vacant land. The west addition includes 223.48 acres. This area includes Jack's Marina, several single family subdivisions, and vacant land. The Caloosahatchee River addition includes 76.97 acres, which is mostly water.

Planning staff recommends that the three areas highlighted by this amendment be incorporated into the Olga community and that Lee Plan Map 1, Page 2 of 8 be modified accordingly (see Attachment #2).

## **IDENTIFICATION OF APPROPRIATE AREAS FOR COMMERCIAL AND MIXED USES**

The planning committee has asked that the community provisions for commercial and mixed uses be reviewed, and that additional thought be given to the appropriate locations for commercial uses in the community. The committee was desirous of encouraging redevelopment along the SR 80 corridor in the existing commercial areas while also discouraging commercial uses from sprawling into the Rural land use category. The committee believes that the planning emphasis should be on the already identified commercial nodes located along SR 80, while also discouraging sprawling commercial uses in the Rural category. Planning staff and the committee has spent a considerable amount of time reviewing the existing zoning, existing use, and locations of the various nodes.

### **Review Existing Zoning Map for the Community**

Planning staff and representatives of the community have discussed: the appropriate location for mixed uses and commercial uses; the extent of existing commercial zoning; the location of the existing commercial zoning; and the existing commercially designated lands without zoning approvals. To aid in these discussions, staff has prepared a map of the existing zoning designations within the Caloosahatchee Shores Community Planning Area (see Attachment #8).

As evident from the map, the majority of the commercial zoning in the community is located along SR 80. These designations include 88.22 acres of C-1, 62.55 acres of C-1A, 48.33 acres of C-2, 59.21 acres of CC, and 254.80 acres of CPD. There are also lesser amounts of CG (6.42 acres), CN-1 (0.80 acre), CN-2 (1.24 acre), CS-1 (2.93 acres), and CT (10.62 acres). Planning staff believes that continued development and redevelopment in these already zoned areas will occur to the plan's horizon year of 2030.

There is also a relatively new commercial area in the Olga area of the community. CPA 2006-03, in addition to the creation of the Olga Community Plan, changed the Future Land Use Designation for two parcels located east of South Olga Road fronting SR 80. This amendment changed approximately 48 acres from Suburban and Rural to the Commercial and Conservation Lands future land use categories. The lands designated with the Conservation Lands future land use category are primarily wetlands and/or facilitate surface water flow towards the Caloosahatchee River. These parcels are currently vacant. Both parcels are currently zoned AG-2 and would require rezoning prior to commercial development. Lee Plan Policy 1.1.10: Commercial Lands requires that "the Planned Development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site."

At the time the Olga Community Plan was adopted, there was community support for the Future Land Use Map amendment to designate these two parcels as Commercial. The community continues to support commercial uses at this location in order to support adjacent residences that are currently existing or planned. The Commercial future land use category has a maximum Floor Area Ratio (FAR) of 1. However in the Olga Community the maximum FAR for the Commercial future land use category located north of SR 80 and east of South Olga Road is 0.25. This FAR is appropriate for the limited commercial uses planned in the Olga Community that are located adjacent to Rural and Suburban future land use categories.

### **Review Existing Lee Plan Map 19**

Planning staff also in this review noted the intersections specified on Map 19. Within the community only the intersection of Buckingham Road and Palm Beach Road (S.R. 80) is depicted on Map 19 as meeting the Neighborhood Commercial Center Standards (Policy 6.1.2.2). The Caloosahatchee Shores Community Plan contains a policy, Policy 21.2.1, that expands the intersections that qualify for Community Commercial levels of the Lee Plan. This policy provides that the intersection of SR 80 and SR 31 is appropriate for development of Community Commercial levels as provided in Policy 6.1.2.

### **Review S.R. 80 Commercial Infill Finding memo**

Planning staff also reviewed a Commercial Site Location Standards and Commercial Infill Finding memo signed by the Lee County Planning Director on February 6, 2001 (see Attachment 9). This memo was in response to a request for zoning verification letter for a specific property seeking clarification as to whether that site met site location standards. Staff researched a wider area along the north side of SR 80 from the intersection of SR 31 to the intersection of Old Olga Road/Buckingham Road and found that many of the existing commercial land uses, a predominate land use fronting this portion of State Road 80, also did not meet the standards of Policy 6.1.2. Staff found that the parcels in this study area, with the exception of one parcel noted by the memo, do in fact meet the intent of Policy 6.1.7. Staff found that the area meets the intent of Commercial Site Location Standards of Policy 6.1.2 as well as meeting the intent of Commercial Infill of Policy 6.1.7.

This same area is proposed to be incorporated by the community's Land Development Code amendment into the State Route 80 Corridor Overlay. This proposed LDC amendment would include the Finding from the memo discussed above:

*The parcels located in the State Route 80 Corridor Overlay District are not subject to the commercial site location standards of Lee Plan Policy 6.1.2 and have been determined to meet the requirements of the commercial infill requirements of the Lee Plan.*

The proposed LDC amendment includes a map of the proposed State Route 80 Corridor Overlay District (see Attachment #10). This map includes the same area as was covered by the Commercial Site Location Standards and Commercial Infill Finding memo discussed above.

### **Verandah Boulevard and SR 80 Commercial Node**

Through a review of existing uses and zoning, staff has identified a Minor Commercial node that is developing and is generally located west of the intersection of Verandah Boulevard and SR 80. A variety of Minor Commercial activities such as a bank, animal clinic, auto sales, and restaurant are existing in this node. The node is located both north of and south of SR 80 (see Attachment #11). The planning committee agreed that this minor node should be recognized by the Caloosahatchee Shores Plan.

### **Other Opportunities Identified in the Future**

Planning staff has had several conversations with property owners located north of SR 80, west of the power plant. One owner discussed the eventual redevelopment of the Orange Harbor Mobile Home Park. Staff agrees that it is hard to determine everything that may be desired over the life of the plan,



and that a certain amount of flexibility is needed. All parties that staff has dealt with agree that the future urban areas along SR 80 are the right locations in the future for continued commercial development. All parties agreed that the planned development rezoning process would be appropriate in order to determine the appropriateness of each future request. The particulars of each individual case can be analyzed using this process. Staff will incorporate language that requires this option in the proposed text amendment.

### **Mixed Use Areas**

Planning staff and the planning committee have reviewed the designated areas for mixed uses and determined that these areas are sufficient for the planning horizon. These areas are depicted on Lee Plan Map 1, Page 6 of 8. Specific requirements for mixed use projects in the community can be found in Objective 21.4. No changes are currently proposed to these provisions.

### **Community Expressed Amendment**

The planning committee has stressed to planning staff the desire to promote the already identified commercial areas for continued development and redevelopment activity. The committee believes that these areas will provide the necessary land area for commercial development to support the community without having to open up rural areas for commercial development. Staff agrees that the extent of the areas is sufficient to accommodate the commercial needs for the community through the planning horizon of the year 2030. The next section discusses proposed Lee Plan text changes regarding commercial uses in the community.

### **RECOMMENDED COMMERCIAL TEXT CHANGES**

The commercial provisions of the Caloosahatchee Shores Community Plan are contained mostly under Objective 21.2. Given the discussions and the research that Planning staff has performed has revealed a need to mention in Objective 21.2 the various approved commercial nodes, existing zoning, as well as commercially designated areas.

Planning staff recommends that Objective 21.2 be modified as follows:

**OBJECTIVE 21.2: COMMERCIAL LAND USES.** New commercial uses will be limited to properties already zoned for commercial uses as well as commercial centers designated on Map 19, the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, properties located in the State Route 80 Corridor Overlay District, the Verandah Boulevard commercial node, lands with the Commercial Future Land Use designation, and Future Urban Areas adjacent to S.R. 80 that are determined to be appropriate for commercial uses through the Planned Development rezoning process. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

Policy 21.2.1 identifies a commercial node at SR 31 and SR 80. Staff is proposing to modify this policy to introduce the SR 80/Verandah Boulevard minor commercial node:

**POLICY 21.2.1:** To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

The Verandah Boulevard commercial node is intended for Minor Commercial levels as defined in Policy 6.1.2. Office and residential uses consistent with the Suburban designation are also allowed in this Minor Commercial node.

In the past, the planning committee was concerned with the character of Buckingham Road and allowing retail uses outside of the Map 19 designated node at SR 80 and Buckingham Road. Since this policy has been added to the land the majority of the land has been rezoned to accommodate a series of residential communities. The committee believes now is the time to prohibit retail uses. Planning staff recommends the following modification to Policy 21.2.2:

**POLICY 21.2.2:** In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be ~~discouraged~~ prohibited.

Planning staff and the planning committee have been discussing the appropriate locations for commercial uses in the Olga community. The committee believes the emphasis should be placed on SR 80 and Commercially designated property, while at the same time preserving the Olga Mall commercial use. The Olga Mall is located in the south west quadrant of the intersection of South Olga Drive and Old Olga Road (see Attachment #12). The Mall property is a little more than a third of an acre. Staff notes that the language contained within Policy 21.2.3 would allow a larger minor commercial development footprint than other minor commercial development. The Lee Plan, in Policy 6.1.2.1, specifies that Minor Commercial must be located within 330 feet of the adjoining rights-of-way of the intersecting roads versus the Policy 21.2.3 statement of within 660 feet.

The property located at the northeast quadrant of the intersection of Old Olga Road and South Olga Drive is zoned RPD (see Attachment #13). The zoning master concept plan has vacated. The property located in the southeast quadrant is zoned AG-2, contains approximately 40 acres and has a single family residence. Immediately south of the Olga Mall property is the Olga Community Center. The northwest quadrant contains a variety of residential dwelling units.

The planning committee does not believe that the existing language represents the communities vision for this portion of the Olga community. The vision for the area is low density residential and agricultural uses. The community has recently modified the Lee Plan to establish a commercial area at the intersection of South Olga Drive and SR 80. The committee believes that location is more appropriate.

In light of the previous discussion, planning staff recommends the following modification:

**POLICY 21.2.3:** ~~Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection. The Olga Mall property, 2319 S. Olga Drive, may continue to provide minor commercial retail services for the Olga community.~~

### **Clarify the Public Participation Requirements**

The Caloosahatchee Shores Planning Committee has also asked Lee County to clarify which applications must conduct a public informational session with the community. The Community is seeking assurance that agents for Lee Plan amendment requests as well as a variety of zoning applications will conduct an informational session with the community. To address this issue, staff recommends that the following modification be made to Policy 21.6.3:

**POLICY 21.6.3:** ~~The owner or agent for any Planned Development of a requested Lee Plan amendment or zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Caloosahatchee Shores 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 the public workshops information session. 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 public information session; 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.~~

### **B. CONCLUSIONS**

Staff believes that the proposed amendment to Policy 21.6.3 will effectively clarify the types of applications that require a public informational session. The proposed amendment will correct the boundary between the Olga and Caloosahatchee Shores communities. The amendment will clarify the appropriate locations for new commercial uses within the community.

### **C. STAFF RECOMMENDATION**

County staff recommends that the Board of County Commissioners transmit this amendment to provide specific clarifications to the Caloosahatchee Shores and Olga Community plans.

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

**DATE OF PUBLIC HEARING: February 28, 2011**

**A. LOCAL PLANNING AGENCY REVIEW**

This item was scheduled on this LPA agenda for discussion purposes only. Staff explained that the proposed amendment would clarify three basic issues with the Olga and Caloosahatchee Plans. The first is that the Olga community would like to slightly modify the boundaries between the two communities. Staff reviewed the boundary changes by going through a series of maps, and noted that discussions with the planning panel were ongoing. Therefore, there may be further modifications to the boundary when it is scheduled before the LPA at a future meeting. The second issue is that the community desires to clarify the appropriate areas for commercial uses as well as mixed use areas.

The last issue is that the community would like to clarify the public participation requirements for the communities by specifying which applications will be required to have an informational session with the community.

Staff noted that the Olga Community nests within the Caloosahatchee Shores community. All of the Caloosahatchee Shores policy language applies to Olga, while Olga has additional policy language that only applies to the Olga community. Staff reviewed various maps associated with the amendment. Staff noted one error on the existing zoning map and stated that this error will be fixed.

One member asked what precipitated these additions to the Olga area. Staff responded that the community is recognizing that the County's mapping does not reflect what most people identify as the Olga community. Another member asked if any thought had taken place to separating the two communities by letting each of them have their own plan. Staff responded that this had not been discussed and this was a friendly effort by both communities. The Olga community thinks of themselves as nesting within a larger plan. Another member asked if the Caloosahatchee Shores neighborhood group had a problem with the proposed expansion of the Olga boundaries. Staff responded that they were not aware of any opposition and that representatives of the Olga Community are on the Planning Panel and that they are present at the hearing and they could better address this point.

The LPA chairman called for public comment. The Chairman of the Caloosahatchee Shores Planning Committee noted that the map amendment to expand the Olga area to the east and west was just an oversight. Research revealed the correct boundaries. This amendment will clarify these boundaries. He noted that the residents of the Olga community had a good relationship with the Caloosahatchee Shores group and there was no opposition to these changes. He also noted that when this item is scheduled for a future LPA meeting, the community would like the opportunity to express their concern with allowing commercial to spread through the long stretch along SR 80. The community would like to consolidate the commercial usage so it serves the big communities in the area such as River Hall, the Verandah, and Portico.

Staff noted that this amendment would be presented for LPA action at a future LPA public hearing.

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

DATE OF PUBLIC HEARING: March 28, 2011

**A. LOCAL PLANNING AGENCY REVIEW**

Two LPA members indicated that they would abstain from voting on this item.

Planning staff reviewed the staff report and recommendation. Staff did not believe there was a need to spend more time on the changes to the public participation or the modification to the boundary as the packet accurately includes the desire of the community concerning those issues. Staff highlighted one specific issue regarding language changes to Objective 21.2 outlined on the top of Page 3 of the staff report. Staff discussed this language change with the Local Planning Agency. Staff informed the LPA of discussions that staff has had with a couple of property owners that have property in the central urban category west of the FP&L power plant. These owners stressed to staff that commercial use of these properties may be desired in the future. Staff also noted that one of these owners would be a public speaker and that he wants to add additional language into the policy to reference the central urban future land use category. However, staff noted that the policy already references “future urban areas adjacent to SR 80,” which will include the central urban category. Staff explained that this change is an attempt by the community to designate the areas that the community is accepting for commercial activities. Staff explained that the concept includes the commercial nodes along SR80. There are also a few properties in the suburban land use category that are appropriately situated that this language could also apply to.

One LPA member referred to the language on top of page 3 of the staff report where it lists the criteria. Because of the punctuation, this member stated that it appears that someone may have to meet all of the criteria listed. Staff stated that is not the intent of the language, the intent is simply to be located in one of the referenced sites. Staff stated that this could be corrected by putting in a colon after the word “limited” and then put semi colons after each item. This might help clarify that people would not need to meet all of those “conditions.” This member also asked that all of the nodes be depicted on a map. Staff stated that it would be appropriate to amend Map 19, and would do this in time for the transmittal hearing.

The Chairman of the LPA opened the item to public comment. A local land use attorney raised several questions concerning two properties owned by separate clients. He then referred to his Alva Shores client (Jack’s Marina), and asked does the staff consider it to be consistent with the Olga Plan? The other question was concerning the Caloosa Palms case (31, LLC). He stated that the board denied the case, and it is now in litigation. He asked is this an attempt to limit such commercial uses that are not subject to the site location standards as marinas and hotels to the nodes. Does the staff intend to deny the application based on these new provisions when the matter comes back. Staff responded that Jack’s Marina (Alva Shores) is consistent with the proposed policy in staff’s opinion. The marina has been rezoned and would qualify under the existing zoning provision of the proposed policy. 31 LLC is in a different position. Staff took direction from the Board’s denial. An amendment to the language

would have to be made to accommodate the site. A re-evaluation could occur after the litigation is concluded.

Several members of the planning panels spoke and urged transmittal. One speaker mentioned that the community plan has been worked on since 2002. One speaker stressed the importance of fixing the boundary issue between the communities. One of these speakers stressed the nodal aspect of the amendment, and that the community really wanted to see a concentration of commercial uses in these nodes and not in other areas such as the rural areas of the community. Several speakers mentioned various public meetings at which the amendment had been discussed.

A local land use attorney addressed property to the west of FP&L and recommended that language be added to protect this property owner's right for future consideration of commercial uses. Another local attorney read the current language outlined on the top of page 3 of the staff report and provided a modification to Objective 21.2:

New commercial uses will be limited to properties already zoned for commercial uses as well as commercial centers designated on Map 19, the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, properties located in the State Route 80 Corridor Overlay District, the Verandah Boulevard commercial node, lands with the Commercial Future Land Use designation, and Future Urban Areas including the central urban and suburban categories adjacent to S.R. 80 that are determined to be appropriate for commercial uses through the Planned Development rezoning process.

He stated that he served on the Caloosahatchee Shores Community Planning panel and he did not believe that the panel had any objections to this revised language and that this modification would provide the sought after clarity.

One LPA member made a motion to recommend transmittal of CPA2010-22 Caloosahatchee Shores Community Plan and revise the language on the top of page 3 of the staff report for Objective 21.2 to include the language referenced by the local land use attorney. The motion was seconded for discussion.

Staff asked the maker of the motion to amend the language by putting in a colon after the word "limited" and then put semi colons after each item. Staff read the modification into the record.

One LPA member felt it was a long sentence and suggested the language be formatted in a list format to make it easier to read. The Assistant County Attorney suggested that if the language were in list format, it would clarify the point that all of those properties would be considered appropriate assuming it preceded and was approved under the Planned Development scenario.

Another LPA member stated he could support the staff revised language, but was hesitant without a map showing where the properties were located that were discussed by the public at today's proceedings. The language limits this to properties adjacent to SR 80. Without a map, it is difficult to see if there are some gaps somewhere. The maker of the motion did not feel that staff's revised

language was clear enough to ensure we get the intent that is needed. Therefore, he preferred to move forward with his original motion.

The motion passed 4-0, with two members abstaining.

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

**1. RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners *transmit* the amendment as recommended by staff with the following modification to Objective 21.2:

**OBJECTIVE 21.2: COMMERCIAL LAND USES.** New commercial uses will be limited to properties already zoned for commercial uses as well as commercial centers designated on Map 19, the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, properties located in the State Route 80 Corridor Overlay District, the Verandah Boulevard commercial node, lands with the Commercial Future Land Use designation, and Future Urban Areas including the central urban and suburban categories adjacent to S.R. 80 that are determined to be appropriate for commercial uses through the Planned Development rezoning process. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

Staff concurs with this modification and will incorporate it into the recommendation section of the staff report (Part I.B.1.).

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

**C. VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>CINDY BUTLER</b>	<b>ABSTAIN</b>
<b>JIM GREEN</b>	<b>ABSTAIN</b>
<b>MITCH HUTCHCRAFT</b>	<b>AYE</b>
<b>RONALD INGE</b>	<b>AYE</b>

**JACK MEEKER**

**AYE**

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**VACANT**



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

DATE OF TRANSMITTAL HEARING: June 13, 2011

**A. BOARD REVIEW:**

Staff provided a brief summary of the proposed amendment. An attorney, representing an affected property owner, also addressed the Board of County Commissioners. She stated that her client was in agreement with the proposed amendments but wanted to clarify the proposed amendment to Objective 21.2 concerning the location of permitted commercial uses, and the rezoning process that would be required for commercial zoning in these areas. Staff concurred with the need for the clarification and worked with the affected property owner to provide the following clarification:

**OBJECTIVE 21.2: COMMERCIAL LAND USES.** New commercial uses will be limited to properties already zoned for commercial uses as well as commercial centers designated on Map 19, the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, properties located in the State Route 80 Corridor Overlay District, the Verandah Boulevard commercial node, lands with the Commercial Future Land Use designation, and Future Urban Areas including the central urban and suburban categories adjacent to S.R. 80. ~~that are determined to be appropriate~~ New for commercial uses zoning must be approved through the Planned Development rezoning process. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

Another member of the public also expressed support for the proposed amendments and urged the Board of County Commissioners to transmit the proposed amendment.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board of County Commissioners voted to *transmit* the proposed amendment including the modification to Objective 21.2 as discussed above.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board of County Commissioners accepted the findings of fact as advanced by staff and the LPA.

**C. VOTE:**

<b>BRIAN BIGELOW</b>	<b><u>AYE</u></b>
<b>TAMMARA HALL</b>	<b><u>AYE</u></b>
<b>RAY JUDAH</b>	<b><u>AYE</u></b>
<b>FRANK MANN</b>	<b><u>AYE</u></b>
<b>JOHN MANNING</b>	<b><u>AYE</u></b>

**PART V - REVIEWING AGENCIES' OBJECTIONS,  
RECOMENDATIONS, AND COMMENTS**

DATE OF DCA COMMENTS: July 29<sup>th</sup>, 2011

**A. COMMENTS FROM REVIEWING AGENCIES:**

No reviewing agency provided comments concerning the proposed amendment that need to be addressed.

**B. STAFF RECOMMENDATION:**

Staff Recommends that the Board of County Commissioners adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: September 28, 2011

**A. BOARD REVIEW:**

The proposed amendment was heard as part of the consent agenda. The Board of Commissioners provided no comment concerning the amendment. No member of the public appeared or provided comments concerning the proposed amendment.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board voted to *adopt* the proposed amendment as part of the Consent Agenda.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

**C. VOTE:**

<b>BRIAN BIGELOW</b>	<u><b>AYE</b></u>
<b>TAMMARA HALL</b>	<u><b>AYE</b></u>
<b>RAY JUDAH</b>	<u><b>AYE</b></u>
<b>FRANK MANN</b>	<u><b>AYE</b></u>
<b>JOHN MANNING</b>	<u><b>AYE</b></u>