

**CPA2005-00008
CALOOSA HATCHEE SHORES
COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

*Lee County Planning Division
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May 16, 2007

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00008**

Text Amendment

Map Amendment

✓	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

ORIGINAL STAFF REPORT PREPARATION DATE: October 13, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

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

B. APPLICANT

THE EAST LEE COUNTY COUNCIL
REPRESENTED BY MIKE ROEDER

2. REQUEST:

Adopt a new Policy 21.1.4 specific to the Caloosahatchee Shores community addressing an enhanced level of code enforcement.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff.

The applicants original submittal language is shown below in underline format. Staff's recommended language is provided below, with changes to the applicant's language highlighted in strike through, double underline format.

Policy 21.1.4: By the end of 20067, the Caloosahatchee Shores community will draft enhanced code enforcement standards specific to individual communities for inclusion within to be considered by staff for possible inclusion in Chapter 33 of the LDC.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Caloosahatchee Shores Community Plan was submitted to Lee County in September, 2002.
- The Caloosahatchee Shores Community Plan resulted in a Lee Plan amendment adopted in October, 2003.
- The Lee Plan amendment specific to Caloosahatchee Shores is now Goal 21 of the Lee Plan.
- The East Lee County Council submitted an application to amend Goal 21 in September, 2005.
- This amendment would add a new Policy 21.1.4 to Goal 21 of the Lee Plan.

C. BACKGROUND INFORMATION

The Caloosahatchee Shores Community Plan was undertaken by the Caloosahatchee Shores Community Planning Panel working as a sub group of the ELCC. The planning area encompasses that portion of the Fort Myers Shores planning community located east of I-75. The community plan was financed, in part, with \$25,000 of community planning funds from Lee County.

The Caloosahatchee Shores community plan was submitted to Lee County in September, 2002. The plan contained a Goal, Objectives, and Policies. The Goal for Caloosahatchee Shores was adopted into the Lee Plan in October, 2003 and is now Goal 21.

The East Lee County Council continued to work on improvements to Goal 21, and submitted an amendment to the Goal in September, 2005. Many parts of the proposed amendment were found not sufficient by staff and the applicant has agreed to undertake further refinements to be considered in the next round of plan amendments. One of the policies that was submitted in September is sufficient for presentation to the BoCC and the applicant requested that the policy be considered in the current round of amendments.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed privately-initiated amendment application was received by the County on September 30, 2005. Planning staff provided copies of the proposed amendment to various County departments, including:

- Community Development
- County Attorney's Office
- Department of Transportation
- Environmental Sciences
- Natural Resources
- Smart Growth
- Lee Transit
- EMS

Comments or replies were received from the Department of Community Development, and the County Attorney's Office.

The applicant's original submittal language is shown below in underline. Staff's recommended changes are shown below in double underline/strike through. Staff recommends transmitting the following policies, as revised:

Policy 21.1.4: By the end of 2006~~7~~, the Caloosahatchee Shores community will draft enhanced code enforcement standards ~~specific to individual communities for inclusion within~~ to be considered by staff for possible inclusion in Chapter 33 of the LDC.

STAFF COMMENT: Code enforcement issues are problematic in communities around the country. They often place neighbor against neighbor in a conflict over real or perceived nuisance and the freedom of residents to use their property as they choose. Staff is concerned that code enforcement standards will be written that exceed the County's core level of service for one community in Lee County. If enhanced code enforcement standards are developed, they should be applied County-wide and not for only one area of the County. Proposed Policy 23.1.3 indicates that the Caloosahatchee Shores community will write enhanced code enforcement standards specific to individual communities and they will be included in Chapter 33 of the LDC. Staff may or may not support the standards that are presented, and recommends transmitting Policy 23.1.3 as revised.

Virtually the same language in proposed Policy 21.1.4, as modified by staff, was recommended for transmittal by staff and the LPA as part of the Palm Beach Boulevard plan amendment that went before the LPA on August 28, 2006.

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

DATE OF PUBLIC HEARING: October 23, 2006

A. LOCAL PLANNING AGENCY REVIEW

Staff explained the purpose of the amendment and reviewed the staff report and recommendations. One member of the LPA expressed concerns with having different rules for the different communities because it would place a burden on staff and set a precedent. He did not want to see different code standards for each community. The LPA members generally agreed with that statement.

The applicants representative discussed why he believed there were instances where different sets of rules are needed in different areas because they all have there own set of problems. He stated that East Lee County has more code enforcement problems than other areas might have. He said he understood the the comments from the LPA member, but requested that this item be transmitted for further discussion.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommends that the BoCC 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	NAY
DEREK BURR	AYE
RONALD INGE	NAY
CARLETON RYFFEL	ABSENT
RAYMOND SCHUMANN, ESQ.	AYE
RAE ANN WESSEL	AYE
VACANT	

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW: This item was pulled from the consent agenda for discussion. One Commissioner asked staff if Policy 21.1.4 would direct the Caloosahatchee Shores community to develop enhanced code enforcement standards that would apply County-wide, or just to the Caloosahatchee Shores community. Staff explained that the community would be developing enhanced code enforcement standards that could be applied County-wide, but that they may develop standards that would apply only to their community. Staff explained that the Board would have to approve any land development regulations that were submitted for staff review.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted unanimously to transmit the amendment as recommended by staff and the LPA.

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

C. VOTE:

A. BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE

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

DATE OF ORC REPORT: March 2, 2007

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

B. STAFF RESPONSE

Adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: May 16, 2007

A. BOARD REVIEW:

This amendment was approved on the Consent Agenda. The Board provided no discussion on this item.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners adopted the proposed plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the facts that were advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE